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MORE CIVIL DEBT CASES IN 1998

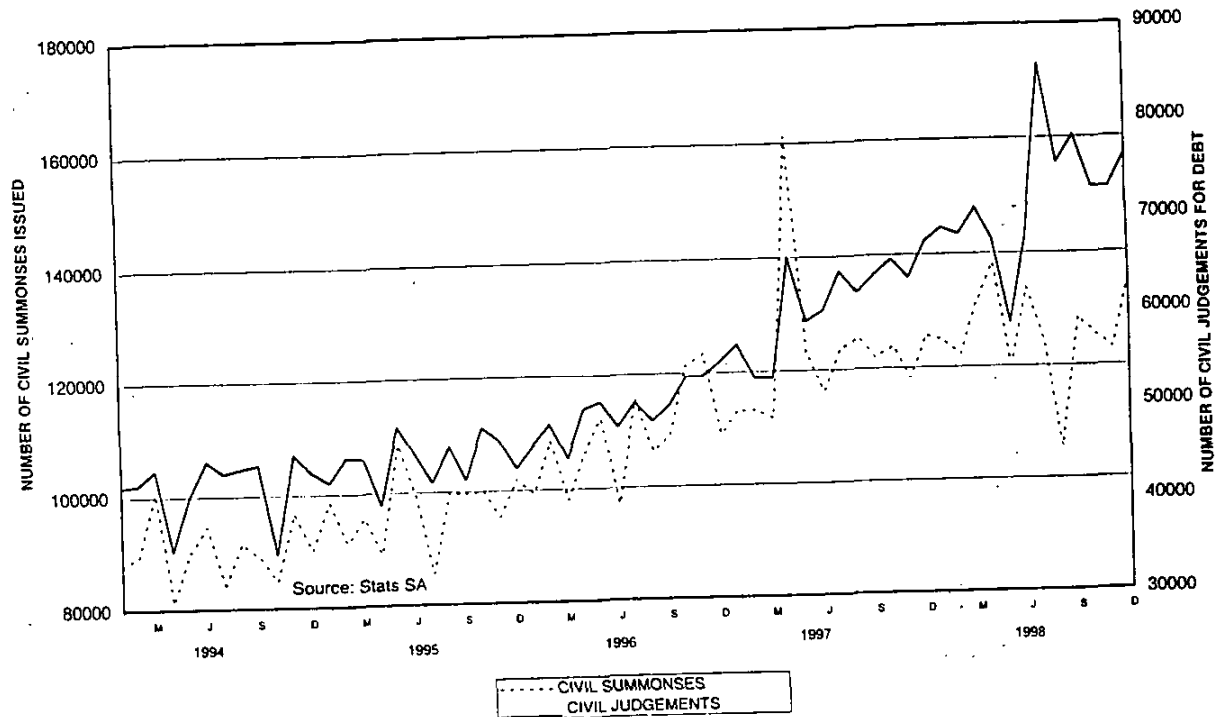
The total number of civil summonses for debt for 1998 showed an increase of 2,2% (from 1 476 165 to 1 508 999) compared with 1997. The total number of civil judgements for debt increased by 17,4% (from 736 264 to 864 554) during the same period.

The largest contributors to the 2,2% increase in civil summonses for debt were summonses relating to money lent (+22,5%) and promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt (+10,1%).

Although the Cape Peninsula reported the largest number of cases in two consecutive years, there was hardly any change between 1997 and 1998 (+0,3%). Largest increases were however, reported by smaller magisterial offices such as East London (+43,3%) and West Rand (+31,7%).

During 1998, 864 554 civil judgements for debt were issued which involved R6 388,1 million. Of this amount, 37,8% or R2 413,2 million was for civil judgements relating to money lent, while 10,0% or R638,8 million was for civil judgements in respect of promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt.

Figure 1 - CIVIL SUMMONSES AND JUDGEMENTS FOR DEBT



PP
 Dr F M Orkin
 Head: Statistics South Africa

Period	Number		Percentage change	
	Summonses for debt	Civil judgements for debt	Summonses for debt	Civil judgements for debt
Actual figures:				
Oct. 1998 - Dec. 1998	378 740	219 032	+4,3	+13,0
Oct. 1997 - Dec. 1997	363 271	193 893		
Seasonally adjusted figures:				
Oct. 1998 - Dec. 1998	383 912	222 046	+7,2	-7,2
Jul. 1998 - Sept. 1998	358 166	239 335		

EXPLANATORY NOTES

1. General

The particulars in this publication refer to all civil cases for debt recorded by Magistrates' Offices.

Except for cases recorded, all other information relates to debt cases only, i.e. claims for damages, ejectment orders and other non-debt cases are excluded.

Default and consent judgements relate to judgements given in respect of undefended debt cases only.

2. Comparability

The jurisdiction limit for civil cases handled by Magistrates' Offices (R20 000 for liquid assets and R50 000 for non-liquid assets) was increased to R100 000 as from 1 May 1995. A comparison with the period prior to May 1995 must thus be handled with circumspection.

3. Small claims courts

Statistics in respect of small claims courts are updated annually.

TABLE 1 - NUMBER OF CIVIL CASES RECORDED AND SUMMONSES FOR DEBT ISSUED

Item	Business enterprises and private persons				Private persons			
	1998		1997		1998		1997	
	Dec.	Nov.	Dec.	Nov.	Dec.	Nov.	Dec.	
1. Cases recorded	110 662	163 751	103 042	1 473 808	100 807	151 592	86 775	
1.1 Actual figures	144 057	146 816	134 144		135 053	134 187	116 116	
1.2 Seasonally adjusted								
2. Civil summonses for debt	105 750	132 136	98 104	1 375 287	96 299	120 350	82 674	
2.1 Total	135 306	123 027	125 648		126 567	114 291	108 570	
2.1.1 Actual figures								
2.1.2 Seasonally adjusted								
2.2 Goods sold	234 857	14 953	16 218	206 154	12 854	18 135	12 627	
2.2.1 Open account	36 053	3 024	2 962	31 639	2 767	3 059	2 581	
2.2.2 Instalment sale transactions								
2.3 Services	175 855	10 428	12 604	163 941	9 693	15 139	11 595	
2.3.1 Professional	424 975	31 209	26 081	394 185	29 358	27 588	23 884	
2.3.2 Other								
2.4 Rent	63 796	4 131	4 918	50 891	3 067	3 973	2 666	
2.5 Money lent	261 162	19 394	14 869	244 867	17 927	22 608	13 597	
2.6 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	107 581	7 498	6 469	96 912	6 895	10 096	4 908	
2.7 Other	204 720	15 113	13 983	186 698	13 738	19 752	10 816	

TABLE 2 - THE NUMBER OF CIVIL CASES RECORDED IN SELECTED MAGISTRATES OFFICES

Year or month	Cape Peninsula/Elizabeth	Port Elizabeth	East-London	Kimberley/Pietermaritzburg	Durban	Johannesburg	East Rand	West Rand	Pretoria	Vereniging and Vanderbijlpark	Bloemfontein	
1997	180 497	135 070	19 317	7 862	32 125	104 135	171 300	97 837	36 152	115 062	48 943	19 908
1998	181 024	143 657	27 688	7 915	29 362	110 846	135 470	86 872	47 613	113 826	40 305	22 209
1997 - J	13 055	5 329	1 510	714	2 341	5 205	7 547	5 830	2 723	8 084	1 921	1 237
F	13 515	9 050	1 403	649	2 760	6 369	10 279	6 224	3 173	9 206	2 278	1 401
M	13 504	9 082	1 506	706	2 763	9 675	12 361	6 596	2 963	9 659	1 840	1 137
A	20 656	31 432	1 668	606	2 900	10 135	16 215	9 058	2 563	8 147	2 403	1 552
M	14 672	16 374	1 427	663	2 700	9 121	12 515	11 397	3 052	8 871	5 185	1 240
J	14 992	10 831	1 881	829	2 440	10 430	16 826	8 064	2 898	9 316	3 737	2 630
J	15 765	9 502	1 763	672	3 120	9 304	21 567	9 634	3 596	9 912	4 842	1 380
A	15 543	6 233	1 721	696	2 198	6 281	20 005	11 194	3 410	11 081	6 081	2 110
S	17 160	8 794	1 422	504	2 362	9 336	10 941	7 052	3 279	10 253	3 986	1 663
O	13 845	12 731	1 751	760	3 456	11 399	16 002	7 426	3 097	13 795	8 594	2 344
N	14 830	9 963	1 617	613	2 775	9 444	15 736	8 944	3 081	10 014	6 406	1 912
D	12 960	6 749	1 648	450	2 310	7 436	11 306	6 408	2 317	6 724	1 670	1 302
1998 - J	10 414	7 305	1 749	498	2 946	6 800	11 125	5 585	3 006	8 772	2 271	2 725
F	15 957	7 851	2 117	493	2 073	8 450	10 956	7 383	3 503	8 881	3 374	1 683
M	17 248	10 074	2 290	697	2 663	10 504	11 170	8 489	3 555	10 521	3 190	2 007
A	15 936	14 132	1 880	653	2 250	9 613	18 788	8 841	3 433	9 124	3 085	2 258
M	15 160	13 035	1 946	744	2 270	11 174	10 114	8 444	5 541	9 099	2 373	1 803
J	17 145	15 984	2 879	803	2 275	11 287	13 118	7 541	4 044	10 326	7 294	1 556
J	20 355	10 790	3 176	840	2 820	11 312	10 123	6 306	6 746	11 257	2 728	1 708
A	12 514	10 694	2 844	563	2 314	9 546	9 833	4 922	4 028	8 009	2 549	1 189
S	14 367	16 388	2 078	643	2 152	11 218	10 860	7 912	3 681	8 883	2 726	644
O	13 306	18 434	2 613	711	2 670	7 752	13 161	7 093	3 555	9 357	2 497	1 880
N	15 558	9 787	2 078	664	2 940	7 353	7 718	8 045	4 060	11 538	3 298	2 209
D	13 064	9 183	2 038	606	1 989	5 837	8 504	6 311	2 461	8 059	4 920	2 547

TABLE 3 - CIVIL DEFAULT AND CONSENT JUDGEMENTS FOR DEBT

Item	Business enterprises and private persons				Private persons			
	1998		1997		1998		1997	
	Dec.	Nov.	Dec.	Nov.	Dec.	Nov.	Dec.	
	Number							
1. Judgements								
1.1 Total	864 554	63 299	72 691	55 703	812 495	59 494	68 465	52 548
1.1.1 Actual figures	76 281	76 281	72 789	67 452		71 656	68 387	63 591
1.1.2 Seasonally adjusted								
1.2 Goods sold	133 896	9 016	11 313	8 900	120 892	8 103	10 126	8 042
1.2.1 Open account	16 170	1 014	1 325	810	14 675	938	1 225	740
1.2.2 Instalment sale transactions								
1.3 Services	97 052	6 583	7 994	6 280	94 501	6 401	7 723	6 070
1.3.1 Professional	199 715	10 600	11 135	14 901	187 261	9 904	10 418	14 198
1.3.2 Other								
1.4 Rent	32 484	2 561	2 962	1 870	24 858	1 964	2 320	1 515
1.5 Money lent	185 153	14 917	16 358	10 951	182 020	14 462	15 993	10 718
1.6 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	65 086	4 643	5 664	4 460	60 786	4 362	5 370	4 235
1.7 Other	134 998	13 965	15 940	7 531	127 502	13 360	15 290	7 030
	R1 000							
1. Judgements								
1.1 Total	6 388 098	709 466	677 034	372 832	5 475 146	637 602	602 740	319 053
1.2 Goods sold	547 637	40 148	48 738	34 875	366 703	23 689	31 312	24 262
1.2.1 Open account	322 633	20 612	29 474	19 568	281 936	15 690	27 112	16 690
1.2.2 Instalment sale transactions								
1.3 Services	169 718	12 668	13 277	10 663	151 378	10 687	11 074	9 450
1.3.1 Professional	494 851	29 591	32 037	33 022	418 555	23 108	27 448	27 527
1.3.2 Other								
1.4 Rent	224 191	16 819	17 487	13 173	165 551	11 237	12 521	9 629
1.5 Money lent	2 413 180	255 209	188 770	155 634	2 255 045	240 060	179 282	144 062
1.6 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	638 841	74 167	57 699	38 462	553 328	69 097	53 025	35 397
1.7 Other	1 577 047	260 252	289 552	67 435	1 282 650	244 034	260 966	52 036

NOTES REGARDING SMALL CLAIMS COURTS

1. General

Small claims courts serve as a forum for the adjudication of money claims against individuals or firms. It is for use by the general public only and not for business enterprises.

Up to 30 September 1995 the following actions were excluded from the jurisdiction of small claims courts:

- claims exceeding R2 000 in value;
- claims against the state;
- claims based on cession or the transfer of rights;
- claims for damages in respect of defamation, malicious prosecution, wrongful imprisonment, wrongful arrest, seduction and breach of promise to marry;
- claims for the dissolution of a marriage;
- claims concerning the validity of a will;
- claims concerning the status of a person in respect of his mental capacity; and
- claims in which the performance in accordance with a contract is sought, without an alternative claim for payment of damages, except in the case of a claim for rendering an account or transferring movable or immovable property not exceeding R2 000 in value.

As from 1 October 1995 the jurisdiction limit of R2 000 was raised to R3 000.

2. Comparability

The information in respect of magistrates' courts shown in this statistical release refers to debt cases only and is therefore not strictly comparable with the information shown for the small claims courts.

3. Concepts

- "Courts" relate to the total number of small claims courts at the end of the months as indicated.
- "Litigants referred" relates to the number of persons (plaintiffs) referred to legal assistants by clerks of the small claims court.

TABLE 4 - SMALL CLAIMS COURTS, LITIGANTS REFERRED, SUMMONSES ISSUED AND HEARINGS

Item	1997	1996	1995	1994	1993	1992	1991	1990
	Number							
Courts	143	120	113	111	109	106	103	92
Litigants referred	13 423	21 230	20 154	20 101	19 502	18 906	16 857	16 474
Summonses issued	25 417	27 463	24 905	25 112	24 929	24 942	19 520	16 551
Hearings	26 622	27 690	25 746	25 356	23 953	23 421	17 814	15 540

Source: Department of Justice