

Statistics of civil cases for debt

December 1999

THE LIBRARY
STATISTICS SOUTH AFRICA
PRIVATE BAG X44
0001 PRETORIA

Co-operation between Statistics South Africa (Stats SA), the citizens of the country, the private sector and government institutions is essential for a successful statistical system. Without continued co-operation and goodwill, the timely release of relevant and reliable official statistics will not be possible.

Embargo: 09:30
Date: 24 February 2000

Stats SA publishes approximately three hundred different releases each year. It is not economically viable to produce them in more than one of South Africa's eleven official languages. Since the releases are used extensively, not only locally, but also by international economic and social-scientific communities, Stats SA releases are published in English only.

Published by
Statistics South Africa
Private Bag X44
Pretoria
0001

© Copyright, 2000

Users may apply or process this data, provided Statistics South Africa is acknowledged as the original source of the data; that it is specified that the application and/or analysis is the result of the user's independent processing of the data; and that neither the basic data nor any reprocessed version or application thereof may be sold or offered for sale in any form whatsoever without prior permission from Stats SA.

CONTENTS

KEY FINDINGS	1
GRAPH	
Figure 1 - Civil summonses and judgements for debt	1
EXPLANATORY NOTES	2
TABLES	
Table 1 - Number of civil cases recorded and summonses for debt issued	3
Table 2 - Number of civil cases recorded in selected magistrates offices	4
Table 3 - Civil default and consent judgements for debt	5
Table 4 - Number of small claims courts, litigants referred, summonses issued and hearings	6
NOTES REGARDING SMALL CLAIMS COURTS	6

A complete set of Stats SA publications is available in the Stats SA Library, and in the following public libraries:

State Library, Pretoria
South African Library, Cape Town
Natal Society Library, Pietermaritzburg
Library of Parliament, Cape Town
Bloemfontein Public Library
Johannesburg Public Library

Private Bag X44 • 0001 Pretoria • South Africa • Steyn's Building • Steyn's Arcade • 274 Schoeman Street • Pretoria

Users enquiries Tel: +27(12) 310 8600 • Fax: +27(12) 310 8500

E-mail address: info@statssa.pwv.gov.za • Website: <http://www.statssa.gov.za>



CIVIL SUMMONSES AND JUDGEMENTS FOR DEBT HIGHER THAN A YEAR AGO

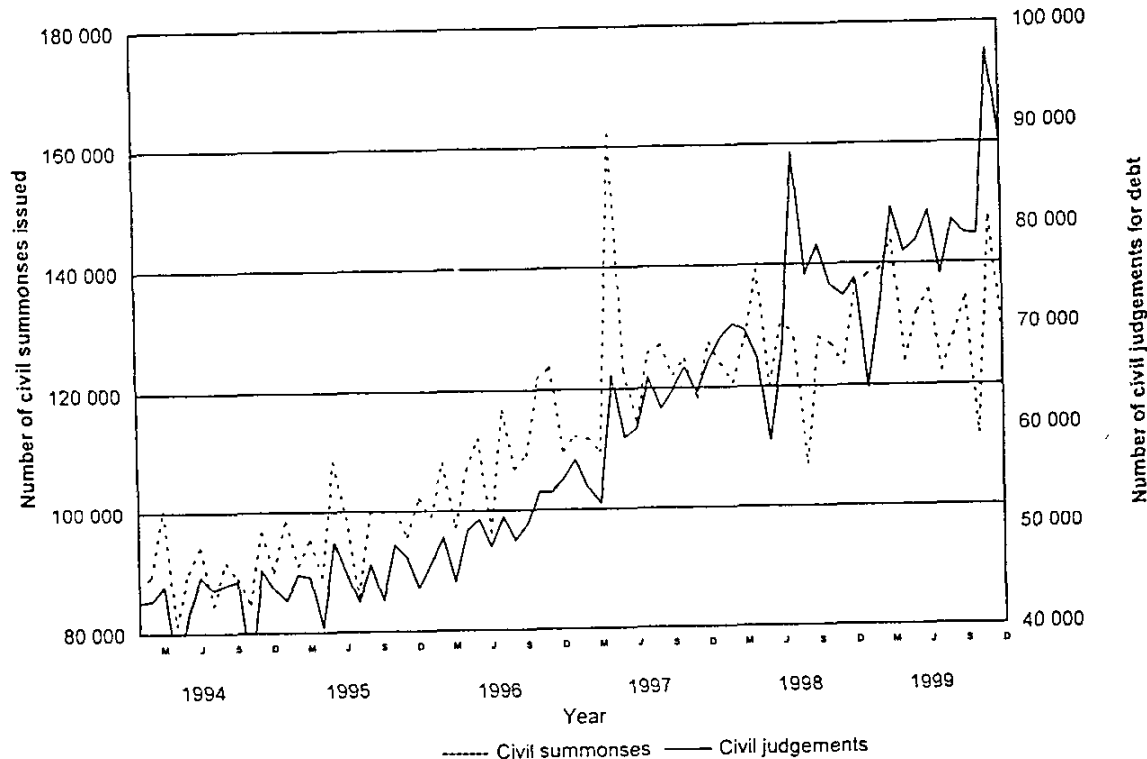
The total number of civil summonses for debt recorded for the three months up to December 1999 increased by 0,6% (from 378 740 to 381 105) compared with the corresponding period of 1998. Furthermore, the total number of civil summonses for debt recorded for the three months up to December 1999, after seasonal adjustment, is 0,7% higher than the previous three months.

The total number of civil judgements for debt recorded for the three months up to December 1999 increased by 18,6% (from 219 032 to 259 861) compared with the corresponding period of 1998. Furthermore, the total number of civil judgements for debt recorded for the three months up to December 1999, after seasonal adjustment, is 12,8% higher than the previous three months.

The largest contributors to the 0,6% increase in civil summonses for debt were summonses relating to money lent (+41,4%), goods sold on open account (+3,7%) and promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt (+3,1%). During December 1999, 31,5% or 31 211 of the total summonses for debt issued was in respect of services, 23,5% or 23 323 was for civil summonses relating to money lent, and 16,5% or 16 322 was in respect of goods sold on open account.

During December 1999, 75 301 civil judgements for debt were issued amounting to R487,1 million. The largest contributors to the R487,1 million were civil judgements relating to money lent (39,4% or R191,7 million), followed by civil judgements in respect of promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt (9,1% or R44,5 million) and goods sold on open account (9,1% or R44,1 million).

Figure 1 – Civil summonses and judgements for debt



Source : Stats S A

[Signature]
 pp
 Dr F M Orkin
 Head: Statistics South Africa

Key figures for the month ended December 1999

Period	Number		Percentage change	
	Summonses for debt	Civil judgements for debt	Summonses for debt	Civil judgements for debt
Actual figures:				
Oct. 1999 - Dec. 1999	381 105	259 861	+0,6	+18,6
Oct. 1998 - Dec. 1998	378 740	219 032		
Seasonally adjusted figures:				
Oct. 1999 - Dec. 1999	387 340	264 225	+0,7	+12,8
Jul. 1999 - Sept. 1999	384 572	234 239		

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					
	1999		1999		1998		1999		1999		1998	
	Dec.	Nov.	Dec.	Nov.	Dec.	1999	Dec.	Nov.	Dec.	Nov.	Dec.	
	Number											
1. Cases recorded	1 725 579	113 483	178 070	110 662	1 566 963	103 380	163 307	100 807				
1.1 Actual figures		147 448	156 033	144 047		137 480	139 985	134 190				
1.2 Seasonally adjusted												
2. Civil summonses for debt	1 582 489	99 087	157 613	105 750	1 445 909	89 242	144 834	96 299				
2.1 Total		127 859	147 633	136 711		117 626	139 866	127 053				
2.1.1 Actual figures	248 525	16 323	21 515	14 953	222 420	14 527	19 029	12 854				
2.1.2 Seasonally adjusted	36 493	1 795	2 750	3 024	31 628	1 559	2 392	2 767				
2.2 Goods sold												
2.2.1 Open account												
2.2.2 Instalment sale transactions												
2.3 Services	179 866	11 902	15 137	10 428	165 678	10 838	13 881	9 693				
2.3.1 Professional	383 670	19 309	36 999	31 209	353 893	17 696	34 321	29 358				
2.3.2 Other												
2.4 Rent	61 208	3 731	4 954	4 131	49 891	2 992	4 016	3 067				
2.5 Money lent	336 266	23 324	45 644	19 394	317 804	21 655	43 580	17 927				
2.6 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	117 136	8 038	10 667	7 498	108 561	7 529	9 929	6 895				
2.7 Other	219 325	14 665	19 949	15 113	196 034	12 445	17 687	13 738				

Table 2 - Number of civil cases recorded in selected magistrates offices

Year or month	Cape Peninsula	Port Elizabeth	East-London	Kimberley	Pietermaritzburg	Durban	Johannesburg	East Rand	West Rand	Pretoria	Vereeniging and Vanderbijlpark	Bloemfontein
1998	181 024	143 677	27 688	7 915	29 362	110 846	135 470	86 872	47 613	113 826	40 305	22 209
1999	183 828	134 728	41 006	15 786	33 568	118 178	127 479	88 827	46 564	153 977	54 911	29 040
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	18 454	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
1999 - J	12 520	14 821	4 475	774	2 372	7 524	6 389	5 737	2 312	8 543	4 197	1 338
F	16 758	7 212	1 889	1 266	2 840	9 869	20 995	6 772	4 753	10 529	5 099	2 566
M	17 963	7 700	5 594	1 470	2 791	13 314	13 003	7 606	3 608	14 386	4 282	3 298
A	14 598	11 130	3 018	870	2 692	9 251	9 928	7 216	2 713	8 187	3 516	2 160
M	19 003	15 590	1 753	1 899	3 535	9 182	8 993	7 297	3 758	10 494	4 797	3 305
J	19 674	16 411	4 782	1 044	2 947	9 158	11 020	8 377	3 862	10 513	6 478	2 694
J	16 015	11 566	1 626	1 841	3 054	9 218	10 123	8 409	4 876	10 215	7 121	2 127
A	15 112	11 085	3 892	1 328	2 739	10 273	8 433	8 155	5 221	10 248	5 695	1 711
S	14 367	9 193	4 618	653	2 125	10 730	10 404	8 882	4 026	11 747	3 620	2 402
O	12 648	8 700	2 915	1 706	2 631	11 390	10 994	6 937	4 049	13 102	2 119	2 958
N	14 376	16 092	2 915	1 900	3 298	11 126	10 171	7 248	4 107	34 532	3 588	2 731
D	10 794	5 228	3 529	1 035	2 544	7 143	7 026	6 191	3 279	11 481	4 399	1 750

Table 3 - Civil default and consent judgements for debt

Item	Business enterprises and private persons											
	Business enterprises						Private persons					
	1999		1999		1998		1999		1999		1998	
	Dec.	Nov.	Dec.	Nov.	Dec.	Dec.	Nov.	Dec.	Nov.	Dec.	Nov.	Dec.
	Number											
1. Judgements												
1.1 Total	953 417	75 301	96 403	63 299	900 300	72 174	92 010	59 494				
1.1.1 Actual figures	88 161	97 248	74 580									
1.1.2 Seasonally adjusted												
1.2 Goods sold												
1.2.1 Open account	154 276	11 071	14 357	9 016	141 152	10 292	13 331	8 103				
1.2.2 Instalment sale transactions	19 415	1 331	1 913	1 014	17 865	1 224	1 777	938				
1.3 Services												
1.3.1 Professional	99 013	6 520	8 683	6 583	95 284	6 346	8 422	6 401				
1.3.2 Other	171 982	15 800	19 641	10 600	162 440	15 119	18 898	9 904				
1.4 Rent	34 311	2 277	3 234	2 561	27 562	1 894	2 601	1 964				
1.5 Money lent	237 693	16 851	23 758	14 917	233 842	16 583	23 442	14 462				
1.6 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	74 946	6 915	7 496	4 643	70 213	6 704	7 158	4 362				
1.7 Other	161 781	14 537	17 321	13 965	151 942	14 012	16 382	13 360				
R1 000												
1. Judgements												
1.1 Total	7 848 168	487 129	600 218	709 466	6 531 595	411 418	518 124	637 602				
1.2 Goods sold												
1.2.1 Open account	682 147	44 069	54 789	40 148	470 304	31 176	37 782	23 689				
1.2.2 Instalment sale transactions	410 850	30 113	28 228	20 612	341 547	21 363	23 927	15 690				
1.3 Services												
1.3.1 Professional	203 627	11 667	18 444	12 668	178 959	9 652	17 009	10 687				
1.3.2 Other	528 681	41 684	49 521	29 591	446 107	35 178	43 443	23 108				
1.4 Rent	256 953	18 151	17 734	16 819	186 395	13 782	13 565	11 237				
1.5 Money lent	3 127 004	191 663	248 234	255 209	2 898 489	175 228	234 727	240 060				
1.6 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	646 278	44 533	52 328	74 167	572 055	38 655	47 511	69 097				
1.7 Other	1 992 628	105 249	130 941	260 252	1 437 740	86 385	100 160	244 034				

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.

The following actions are excluded from the jurisdiction of small claims courts -

- claims exceeding R3 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 R3 000 in value.

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 - NUMBER OF SMALL CLAIMS COURTS, LITIGANTS REFERRED, SUMMONSES ISSUED AND HEARINGS

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

Source: Department of Justice