



# Statistics of civil cases for debt

December 2002

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## Key figures for the month ended December 2002

<b>Actual estimates</b>	<b>December 2002</b>	<b>% change between December 2001 and December 2002</b>	<b>% change between October 2001 to December 2001 and October 2002 to December 2002</b>	<b>% change between January 2001 to December 2001 and January 2002 to December 2002</b>
Number of civil summonses issued for debt	102 817	+12,5	+7,1	+1,0
Number of civil judgements recorded for debt	72 204	+3,3	+4,8	-3,4
Value of civil judgements recorded for debt (R million)	486,7	-32,3	-25,8	-18,7

<b>Seasonally adjusted estimates</b>	<b>December 2002</b>	<b>% change between November 2002 and December 2002</b>	<b>% change between July 2002 to September 2002 and October 2002 to December 2002</b>
Number of civil summonses issued for debt	141 017	+2,9	+4,5
Number of civil judgements recorded for debt	85 015	+1,7	+2,2
Value of civil judgements recorded for debt (R million)	549,7	-0,7	-6,2

## Key findings for the year 2002

### The total number of civil summonses for debt higher than a year ago

*The total number of civil summonses issued for debt for the year 2002 increased by 1,0% compared with the year 2001.*

The major contributor to the increase of 1,0% in civil summonses issued for debt for the year 2002 compared with the year 2001 was civil summonses issued in respect of money lent (+4,7 percentage points). However, this increase was partially counteracted by a decrease in civil summonses issued for debt in respect of other services (-2,8 percentage points) and goods sold on account (-1,5 percentage points).

### **The total number of civil judgements recorded for debt lower than a year ago**

*The total number of civil judgements recorded for debt for the year 2002 decreased by 3,4% compared with the year 2001.*

The major contributors to the decrease of 3,4% in the number of civil judgements recorded for debt for the year 2002 compared with the year 2001 were civil judgements recorded in respect of other debts (-3,7 percentage points) and 'other' services (-1,7 percentage points). However, this decrease was partially counteracted by an increase in civil summonses issued for debt in respect of money lent (+4,3 percentage points).

### **The total value of civil judgements recorded for debt lower than a year ago**

*The total value of civil judgements recorded for debt for the year 2002 decreased by 18,7% compared with the year 2001.*

The major contributors to the decrease of 18,7% in the value of civil judgements recorded for debt for the year 2002 compared with the year 2001 were civil judgements recorded in respect of 'other' debts (-11,6 percentage points), goods sold on account (-3,5 percentage points) and promissory notes (-1,4 percentage points).

## **Key findings as at the end of December 2002**

### **The total number of civil summonses for debt increases**

*The total number of civil summonses issued for debt for the fourth quarter of 2002, after seasonal adjustment, increased by 4,5% compared with the third quarter of 2002. Furthermore, the total number of civil summonses issued for debt for the fourth quarter of 2002, increased by 7,1% compared with the fourth quarter of 2001.*

The major contributors to the increase of 7,1% in civil summonses issued for debt for the fourth quarter of 2002 compared with the fourth quarter of 2001 were civil summonses issued in respect of money lent (+5,3 percentage points) and promissory notes (+1,5 percentage points).

### **The total number of civil judgements recorded for debt increases**

*The total number of civil judgements recorded for debt for the fourth quarter of 2002, after seasonal adjustment, increased by 2,2% compared with the third quarter of 2002. Furthermore, the total number of civil judgements recorded for debt for the fourth quarter of 2002 increased by 4,8% compared with the fourth quarter of 2001.*

The major contributors to the increase of 4,8% in the number of civil judgements recorded for debt for the fourth quarter of 2002 compared with the fourth quarter of 2001 were civil judgements recorded in respect of money lent (+6,8 percentage points) and 'other' services (+2,4 percentage points). However, this increase was partially counteracted by a decrease in judgements recorded for debt relating to professional services (-3,7 percentage points) and 'other' debts (-1,4 percentage points).

## **The total value of civil judgements recorded for debt decreases**

*The total value of civil judgements recorded for debt for the fourth quarter of 2002, after seasonal adjustment, decreased by 6,2% compared with the third quarter of 2002. Furthermore, the total value of civil judgements recorded for debt for the fourth quarter of 2002 decreased by 25,8% compared with the fourth quarter of 2001.*

The major contributors to the decrease of 25,8% in the value of civil judgements recorded for debt for the fourth quarter of 2002 compared with the fourth quarter of 2001 were civil judgements recorded in respect of goods sold on account (-7,0 percentage points), money lent (-4,6 percentage points), 'other' debts (-4,1 percentage points), promissory notes (-3,8 percentage points) and 'other' services (-3,5 percentage points).

During December 2002, 72 204 civil judgements for debt amounted to R486,7 million. The largest contributors to the R486,7 million were civil judgements relating to money lent (47,2% or R230,0 million) and 'other' debts (17,5% or R85,1 million).

## **Notes**

### **Forthcoming issues**

<b>Issue</b>	<b>Expected release date</b>
January 2003	27 March 2003
February 2003	24 April 2003
March 2003	22 May 2003
April 2003	26 June 2003
May 2003	24 July 2003
June 2003	21 August 2003
July 2003	25 September 2003
August 2003	23 October 2003
September 2003	20 November 2003
October 2003	18 December 2003
November 2003	22 January 2004
December 2003	19 February 2004

### **Purpose of the survey**

The survey of Civil Cases for Debt covering a sample of magistrates' offices in South Africa excluding the former Transkei, Bophuthatswana, Venda and Ciskei (TBVC states). These surveys collect information regarding civil cases recorded, civil summonses issued and civil judgements recorded in order to provide users with information on the extent of unpaid debt in South Africa. The results of the survey are used by the private and public sectors as an indicator of economic performance.

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Table 1 - Number of civil cases recorded and summonses issued for debt according to business enterprises and private persons

Item	Business enterprises and private persons				Private persons			
	2002	2001	2002	2002	2002	2001	2002	2002
		Dec.	Nov.	Dec.		Dec.		
1. Cases recorded								
1.1 Actual figures	1 767 530	115 766	170 967	120 017	1 620 928	107 196	157 497	110 909
1.2 Seasonally adjusted		151 293	148 303	156 767		138 926	135 790	143 499
2. Civil summonses for debt								
2.1 Goods sold								
2.1.1 Open account	224 832	12 394	22 235	16 126	200 001	10 959	19 661	14 333
2.1.2 Instalment sale transactions	49 304	3 141	4 655	3 221	44 574	2 928	4 180	2 924
2.2 Services								
2.2.1 Professional	161 917	9 986	15 132	10 660	154 128	9 541	14 575	10 252
2.2.2 Other	279 395	16 003	22 722	14 189	261 792	14 768	21 389	12 940
2.3 Rent	79 350	4 615	6 916	4 724	64 467	3 763	5 805	4 081
2.4 Money lent	425 367	21 654	45 707	29 389	409 309	20 823	44 152	28 505
2.5 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	119 643	7 003	10 419	7 948	108 229	6 404	9 684	7 522
2.6 Other	238 656	16 566	25 571	16 560	208 884	14 740	23 047	14 088
2.7 Total								
2.7.1 Actual figures	1 578 464	91 362	153 356	102 816	1 451 383	83 924	142 493	94 645
2.7.2 Seasonally adjusted		124 499	137 066	141 016		114 475	126 587	129 830

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
2001	200 575	126 257	30 998	19 520	42 098	109 605	116 694	85 965	43 278	186 626	38 956	48 186
2002	199 091	98 361	32 159	20 667	39 642	135 995	150 355	74 363	42 837	162 978	29 548	42 588
2001 - J	12 891	9 509	1 938	1 442	3 771	6 484	7 216	7 507	3 341	11 824	3 766	6 619
F	16 231	8 948	6 556	1 035	3 877	10 829	10 785	8 718	3 704	14 951	2 813	6 619
M	23 003	10 380	3 444	1 791	3 911	10 800	12 462	8 077	3 379	16 437	2 727	1 722
A	19 119	13 057	1 708	1 842	3 300	9 504	11 320	6 134	3 220	13 222	2 261	2 636
M	21 742	12 519	3 606	1 370	4 370	9 582	11 733	8 159	4 194	19 208	2 754	2 672
J	18 385	10 095	2 367	2 028	4 646	9 000	10 826	8 252	4 067	15 049	2 277	920
J	16 644	12 649	2 139	1 657	3 721	7 614	9 282	7 352	3 405	13 749	5 577	2 763
A	16 885	10 208	1 903	1 297	3 946	9 396	10 649	6 203	3 542	11 214	6 587	4 352
S	13 065	10 443	1 775	1 957	2 410	7 270	8 720	5 032	3 550	9 986	2 337	2 596
O	15 149	12 793	2 182	1 722	3 082	10 130	8 720	7 559	3 270	15 285	2 922	2 709
N	15 508	11 184	2 225	1 722	3 315	11 873	8 720	7 007	5 306	27 118	2 894	6 617
D	11 953	4 472	1 155	1 657	1 749	7 123	6 261	5 965	2 300	18 583	2 041	7 961
2002 - J	12 399	9 395	1 684	1 657	2 947	6 618	10 413	5 931	3 111	13 571	1 503	2 627
F	12 156	10 065	1 899	769	3 301	13 463	10 413	6 028	3 003	12 691	1 858	2 939
M	15 356	9 855	2 118	3 325	3 393	9 628	11 519	5 847	3 371	12 756	1 751	3 640
A	20 988	9 796	3 344	3 325	3 624	13 563	16 691	5 208	3 013	14 853	3 492	3 726
M	20 483	9 796	2 664	943	4 174	12 811	14 247	5 682	3 144	13 848	3 142	3 751
J	14 132	6 109	2 386	943	3 340	10 140	10 951	6 295	3 116	12 321	2 187	3 947
J	17 194	8 335	2 747	990	4 818	9 948	13 946	6 850	4 010	12 357	4 442	4 297
A	14 614	7 400	2 926	990	2 900	10 487	11 742	6 044	3 351	14 219	2 552	4 266
S	17 873	6 999	3 184	990	2 724	10 283	13 822	5 584	3 480	11 698	1 984	4 417
O	17 311	10 551	3 184	990	3 579	13 578	13 822	6 869	4 539	18 602	2 241	2 810
N	22 178	5 970	3 466	990	2 501	16 979	13 822	7 732	4 881	15 955	2 880	3 005
D	14 407	4 090	2 557	4 755	2 341	8 497	8 967	6 293	3 818	10 107	1 516	3 163



Table 3 - Number of civil default and consent judgements for debt according to business enterprises and private persons

Item	Business enterprises and private persons				Private persons			
	2002	2001	2002	2002	2002	2001	2002	2002
		Dec.	Nov.	Dec.		Dec.	Nov.	Dec.
1. Judgements								
1.1 Goods sold								
1.1.1 Open account	126 875	8 658	12 263	8 911	117 506	7 971	11 469	8 317
1.1.2 Instalment sale transactions	19 198	1 488	1 758	1 248	17 502	1 282	1 630	1 156
1.2 Services								
1.2.1 Professional	87 533	8 718	7 537	6 448	84 767	8 300	7 306	6 266
1.2.2 Other	142 279	5 943	10 658	13 793	134 738	5 461	9 966	13 324
1.3 Rent	40 851	4 769	3 222	2 579	33 279	4 193	2 505	2 220
1.4 Money lent	354 230	23 351	35 890	25 196	342 801	22 982	35 376	24 798
1.5 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	89 709	6 850	10 394	4 679	84 361	6 528	10 166	4 528
1.6 Other	115 429	10 136	11 091	9 350	107 637	9 411	10 406	8 924
1.7 Total								
1.7.1 Actual figures	976 104	69 913	92 813	72 204	922 593	66 127	88 823	69 534
1.7.2 Seasonally adjusted		82 164	83 553	85 015		78 344	80 220	82 621

Table 4 - Value of civil default and consent judgements for debt according to business enterprises and private persons

Item	Business enterprises and private persons				Private persons			
	2002	2001	2002	2002	2002	2001	2002	2002
		Dec.	Nov.	Dec.		Dec.	Nov.	Dec.
	R1 000							
1. Judgements								
1.1 Goods sold								
1.1.1 Open account	700 936	141 892	59 860	40 511	566 530	130 277	48 481	32 984
1.1.2 Instalment sale transactions	372 715	23 571	20 893	20 254	319 885	19 788	17 180	15 832
1.2 Services								
1.2.1 Professional	198 520	14 844	14 931	13 639	178 938	13 585	13 332	11 874
1.2.2 Other	704 246	112 659	47 161	42 292	634 382	107 529	41 925	39 090
1.3 Rent	282 987	34 122	19 780	17 773	197 395	27 512	13 586	13 607
1.4 Money lent	2 894 190	198 586	217 586	229 949	2 728 812	190 368	199 946	211 739
1.5 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	629 762	71 520	44 320	37 246	515 814	63 650	39 021	34 147
1.6 Other	1 662 618	121 482	120 731	85 079	1 169 528	67 584	97 903	76 771
1.7 Total								
1.7.1 Actual figures	7 445 974	718 676	545 262	486 743	6 311 282	620 294	471 375	436 044
1.7.2 Seasonally adjusted		816 546	553 313	549 712		707 165	482 988	492 856

**Table 5 - Number of small claims courts, litigants referred, summonses issued and hearings: 1990 to 1999**

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	115	13 423	25 417	26 622
1998	121	22 546	28 622	27 672
1999	127	34 897	30 592	30 651

Source: Department of Justice

# Additional information

## Explanatory Notes

### Introduction

- 1 Statistics South Africa (Stats SA) conducts a monthly sample survey of civil cases recorded and civil summonses for debt issued in South Africa. This information is obtained from selected magistrates' offices.
- 2 This statistical release reflects a sample of all civil cases recorded and summonses issued against business enterprises and private persons in selected magistrates' offices.
- 3 Except for cases recorded, all other information relates to debt cases only, therefore claims for damages, ejection orders and other non-debt cases are excluded.

### Scope of the survey

- 4 This survey covers:
  - Number of civil cases recorded.
  - Number of civil summonses for debt issued.
  - Number of civil judgements for debt.
  - Value of civil judgements for debt.
- 5 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.

- 6 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.

### Comparability

- 7 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.
- 8 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 July 1995. A comparison with the period prior to July 1995 must thus be handled with circumspection.

<b>Statistical unit</b>	<p><b>9</b> The statistical unit for collection of information is a magistrate's office. Magistrate's offices include the small claims courts.</p> <p><b>10</b> The largest magistrates offices in South Africa which account for approximately 95% of all the civil cases in South Africa are included in the monthly sample survey of civil cases recorded and civil summonses for debt issued. The smallest magistrates' offices are not used in the sample. A sample of 152 magistrates offices is drawn using only the number of civil cases recorded as the measure of size.</p>
<b>Survey methodology and design</b>	<p><b>11</b> The survey is conducted by mail each month from approximately 152 magistrates' offices.</p>
<b>Seasonal adjustment</b>	<p><b>12</b> Seasonal (variation) is a means of removing the estimated effects of normal seasonal variation from the series so that the effects of other influences on the series can be more clearly recognised. Seasonal adjustment does not aim to remove irregular or non-seasonal influences which may be present in any particular month. Influences that are volatile or unsystematic can still make it difficult to interpret the movement of the series even after adjustment for seasonal variations. This means the month-to-month movements of seasonally adjusted estimates may not be reliable indicators of trend behaviour.</p>
<b>Trend cycle</b>	<p><b>13</b> Smoothed seasonally adjusted estimates are generated using the X-11 Seasonal Adjustment Programme.</p>
<b>Publications</b>	<p><b>14</b> Users may also wish to refer to the following publications:</p> <ul style="list-style-type: none"> <li>• Bulletin of Statistics issued quarterly.</li> <li>• SA Statistics issued annually.</li> </ul>
<b>Unpublished statistics</b>	<p><b>15</b> In some cases Stats SA can also make available statistics which are not published. The statistics can be made available in one or more of the following ways: computer printout, CD or diskette. Generally a charge is made for providing unpublished statistics.</p>
<b>Symbols and abbreviations</b>	<p><b>16</b> R/D      Refer to Drawer  CD        Compact Disc  Stats SA   Statistics South Africa  TBVC     Transkei, Bophuthatswana, Venda, Ciskei.</p>
<b>Technical notes</b>	
<b>Response rates</b>	<p>The response rate for December was 83,4%</p>

# Glossary

<b>Acknowledgement of debt</b>	Acknowledgement of debt is a statement by a person/debtor in which he admits that he owes money to an individual or a company or a bank.
<b>Bills</b>	Bills are statements of charges for services rendered or for amounts owed.
<b>Civil judgements</b>	Civil judgements are decisions taken in a civil matter or a dispute between two people or parties.
<b>Civil summonses</b>	Civil summonses are notices to appear before the court of law where a dispute between two parties or people has to be heard, i.e not for a criminal offence.
<b>Consent judgements</b>	Consent judgements refer to where a debtor agrees to subject himself/herself to obey or accept a judgement of a court against him for a debt he owes without defending the action. This usually happens before the debtor signs a binding contract, e.g. a loan agreement.
<b>Default judgements</b>	Default judgements refer to where the court gives a judgement or a ruling against the defendant who is not present in court and was previously given a notice that was ignored, i.e. a judgement was given against a party or an individual while not present in court.
<b>Hearings</b>	Hearings are proceedings in a court where the court listens or hears the submission or presentation in support of their cases where the two parties submitted the evidence in support of their cases.
<b>Instalment sale transactions</b>	Instalment sale transactions relates to where a person buys goods on credit and pays for them in instalments, e.g. every week or month, until he/she settles the debt.
<b>Litigants</b>	Litigants are people who take part in court proceedings, usually against each other, like a debtor and a creditor.
<b>Litigants referred</b>	Litigants referred relates to a case where the parties have been referred to another instance/court.
<b>Open account transaction</b>	Open account transactions are revolving credit, i.e. where an account does not have a final payment date and a person can always take more goods and keep paying as long as he has credit.
<b>Other services</b>	“Other services” refers to municipal services (except outstanding assessment rates), plumbers, builders, mechanics, panel-beaters and electricians.
<b>Other kinds of debt</b>	“Other kinds of debt” refers to outstanding salaries and wages, outstanding medical fund debts, outstanding sponsored debts, outstanding class and tuition debt, outstanding income and sales, tax, outstanding assessment rates, outstanding money in respect of television maintenance contracts and outstanding money in respect of flat levies.
<b>Plaintiff</b>	Plaintiff is a person/party in a civil case who asks the court for judgement against another person.
<b>Promissory note</b>	Promissory notes are written notes, signed by one person, in which he promises to pay money to another person, or to the bearer of such a note on a specific date or on demand.
<b>Reference month</b>	Reference month refers to one calendar month.
<b>Refer to drawer (RD) cheques</b>	RD Cheques refer to dishonoured cheques. The drawer is the owner of the cheque. When a person issues a cheque and there is no money in the cheque account, the bank will refuse to pay the bearer. The cheque will be referred back to the drawer.
<b>Small claims courts</b>	Small claims courts refer to courts where claims of R3 000 or less are heard. The presiding officer in these courts is called the commissioner. Litigants in the small claims courts do not have to make use of legal representatives.

## For more information

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