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REPUBLIC OF SOUTH AFRICA

**Statistics of civil cases  
for debt  
February 1998**

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**Statistical release      P0041**

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## CONTENTS

<b>KEY FINDINGS</b>	1
<b>SUMMARY TABLE</b>	1
<b>GRAPHS</b>	
1. Civil summonses issued	3
2. Civil judgements for debt	3
<b>EXPLANATORY NOTES</b>	2
<b>TABLES</b>	
1. Number of civil cases recorded and summonses for debt issued	4
2. Number of civil cases recorded in selected magistrates offices	5
3. Civil default and consent judgement for debt	6
Small claims courts	7

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### CIVIL SUMMONSES LEVELLING OFF WHILST CIVIL JUDGEMENTS CONTINUE TO INCREASE

The total number of civil summonses has been levelling off since the middle of 1997. However, the number of civil judgements for debt continues to show an upward trend since the middle of 1996. The total number of civil summonses for debt recorded for the three months up to February 1998, increased by 10,8% compared with the corresponding period of a year ago, and was 2,8% higher, after seasonal adjustment, than the previous three months. The total number of civil judgements for debt increased by 24,1% compared with the same period of a year ago and was 6,5% higher after seasonal adjustment compared with the preceding three months.

The largest contributors to the 10,8% increase in civil summonses for debt were civil summonses pertaining to "other services" and money lent, with increases of 32,0% and 22,8%, respectively. During February 1998, 30 836 or 26,1% of the total civil summonses for debt issued were for civil summonses relating to "other services", while 20 023 or 16,9% were in respect of money lent.

During February 1998, 65 545 civil judgements for debt were issued and the total amount involved was R475,6 million. Civil judgements for debt relating to money lent continue to constitute the largest portion (R178,3 million or 37,5%), followed by "other services" (R48,9 million or 10,3%).

Period	Number		Percentage change	
	Summonses for debt	Civil judgements for debt	Summonses for debt	Civil judgements for debt
<b>Actual figures:</b>				
Dec. 1997 - Feb. 1998	321 318	181 976	+10,8	+24,1
Dec. 1996 - Feb. 1997	289 882	146 620		
<b>Seasonally adjusted figures:</b>				
Dec. 1997 - Feb. 1998	372 349	206 165	+2,8	+6,5
Sept. 1997 - Nov. 1997	362 300	193 599		

  
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**NOTES**

The particulars refer to all civil cases for debt recorded by Magistrate's 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.

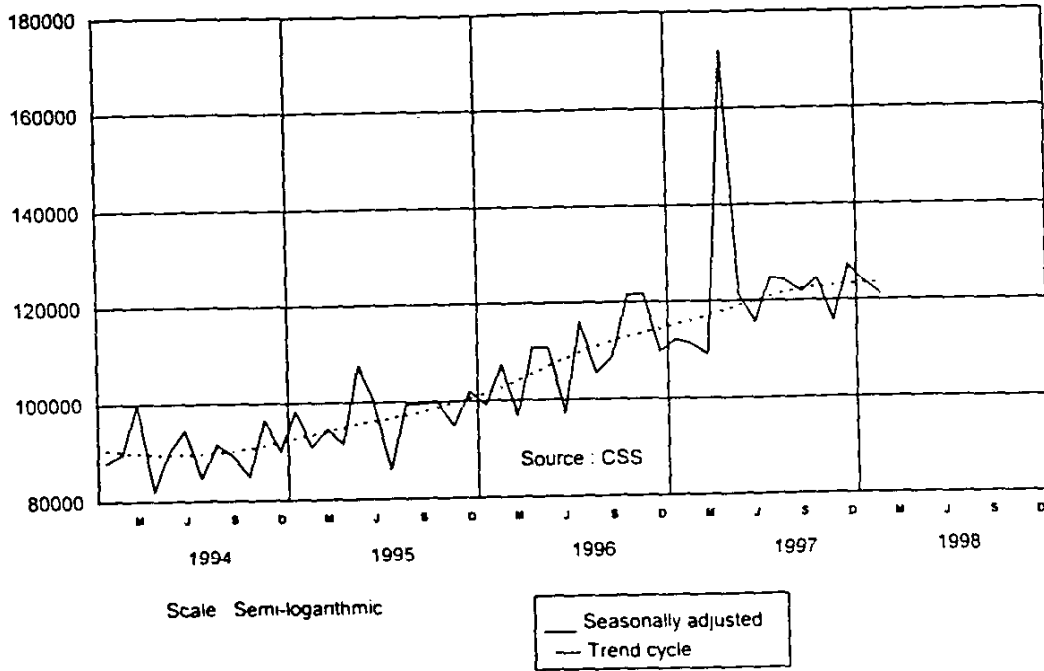
**COMPARABILITY**

The jurisdiction limit for civil cases handled by Magistrate's 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.

**SMALL CLAIMS COURTS**

Statistics in respect of small claims courts are updated annually.

### CIVIL SUMMONSES ISSUED - NUMBER



### CIVIL JUDGEMENTS FOR DEBT - NUMBER

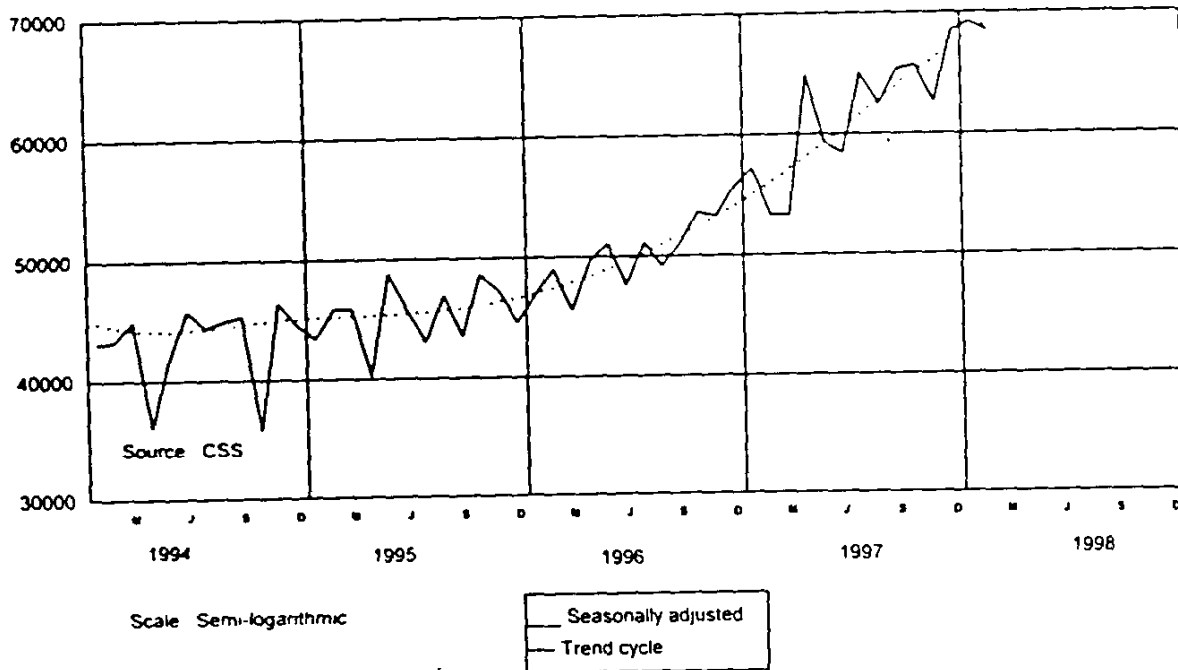


TABLE 1 - NUMBER OF CIVIL CASES RECORDED AND SUMMONSES FOR DEBT ISSUED

Item	Business enterprises and private persons						Private persons					
	1997		1998		1997		1997		1998		1997	
	Feb.	Jan.	Feb.	Jan.	Feb.	Jan.	Feb.	Jan.	Feb.	Jan.	Feb.	
	Number											
1. Cases recorded	1 546 465	122 850	108 449	113 270	1 374 961	109 714	97 761	102 680	111 220	115 511	103 789	
1.1 Actual figures	125 649	128 837	115 446									
1.2 Seasonally adjusted												
2. Civil summonses for debt	1 476 165	118 210	105 004	109 594	1 316 611	106 089	94 846	99 547	107 855	111 633	101 044	
2.1 Total	121 200	123 808	112 077									
2.1.1 Actual figures	260 430	19 960	15 974	22 541	224 674	17 694	14 095	19 772	2 370	2 255	3 486	
2.1.2 Seasonally adjusted	43 813	2 872	2 706	3 837	39 060	2 370						
2.2 Goods sold	193 793	14 163	12 976	16 164	181 433	13 043	11 908	15 220	28 132	27 715	22 105	
2.2.1 Open account	418 095	30 836	29 821	24 246	381 452	28 132	27 715	22 105				
2.2.2 Instalment sale transactions												
2.3 Services	75 350	4 900	4 448	4 962	52 385	3 960	3 596	4 020	18 685	16 720	15 414	
2.3.1 Professional	213 227	20 023	18 281	16 371	199 886	18 685	16 720	15 414	7 852	6 410	7 509	
2.3.2 Other	97 731	9 760	7 054	8 174	85 039	7 852	6 410	7 509				
2.4 Rent												
2.5 Money lent												
2.6 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt												
2.7 Other	173 726	15 696	13 744	13 299	152 682	14 353	12 147	12 021				

TABLE 2 - THE 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
1996	170 524	110 152	18 523	8 717	31 347	80 469	143 379	84 677	31 309	107 156	24 056	25 026
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
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	8 502	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	7 062	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	1 646	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

TABLE 3 - CIVIL DEFAULT AND CONSENT JUDGEMENTS FOR DEBT

Item	Business enterprises and private persons						Private persons					
	1997		1998		1999		1997		1998		1999	
	Feb.	Jan.	Feb.	Jan.	Feb.	Jan.	Feb.	Jan.	Feb.	Jan.	Feb.	
	Number											
1. Judgements												
1.1 Total	736 264	65 545	60 728	51 320	689 927	61 722	57 612	48 119				
1.1.1 Actual figures	68 444	69 246	53 508			64 266	65 649	50 039				
1.1.2 Seasonally adjusted												
1.2 Goods sold	135 496	10 780	9 465	9 774	123 279	9 757	8 587	8 945				
1.2.1 Open account	11 636	1 061	930	942	10 633	965	835	872				
1.2.2 Instalment sale transactions												
1.3 Services	92 399	7 144	6 469	7 389	89 600	6 948	6 273	7 216				
1.3.1 Professional	163 725	15 119	17 120	9 256	154 323	14 017	16 324	8 631				
1.3.2 Other												
1.4 Rent	30 302	2 047	1 812	2 332	23 795	1 669	1 519	1 801				
1.5 Money lent	135 704	14 174	13 039	8 939	132 805	13 972	12 826	8 762				
1.6 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	65 918	5 328	4 030	5 463	61 897	5 034	3 802	5 093				
1.7 Other	101 084	9 892	7 863	7 225	93 595	9 360	7 446	6 799				
	R1 000											
1. Judgements												
1.1 Total	5 295 876	475 577	419 978	382 946	4 543 651	413 242	363 356	331 455				
1.2 Goods sold	462 462	43 533	37 021	30 329	301 544	30 733	22 506	20 361				
1.2.1 Open account	254 877	24 039	20 641	27 555	219 404	20 626	18 048	20 960				
1.2.2 Instalment sale transactions												
1.3 Services	130 017	11 273	10 022	8 756	116 976	10 316	8 872	7 757				
1.3.1 Professional	388 655	48 855	39 287	24 434	318 375	42 028	34 969	18 081				
1.3.2 Other												
1.4 Rent	192 252	19 403	14 176	12 621	142 025	15 957	10 335	9 379				
1.5 Money lent	2 325 543	178 321	161 430	171 318	2 185 360	162 376	152 629	162 188				
1.6 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	528 046	43 558	52 117	42 117	466 173	36 878	46 400	37 561				
1.7 Other	1 014 024	106 595	85 284	65 816	793 794	94 328	69 597	55 168				



## SMALL CLAIMS COURTS

### NOTES

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.

### 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.

### 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 - 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