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Statistics of civil cases for debt

February 1999

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KEY FINDINGS

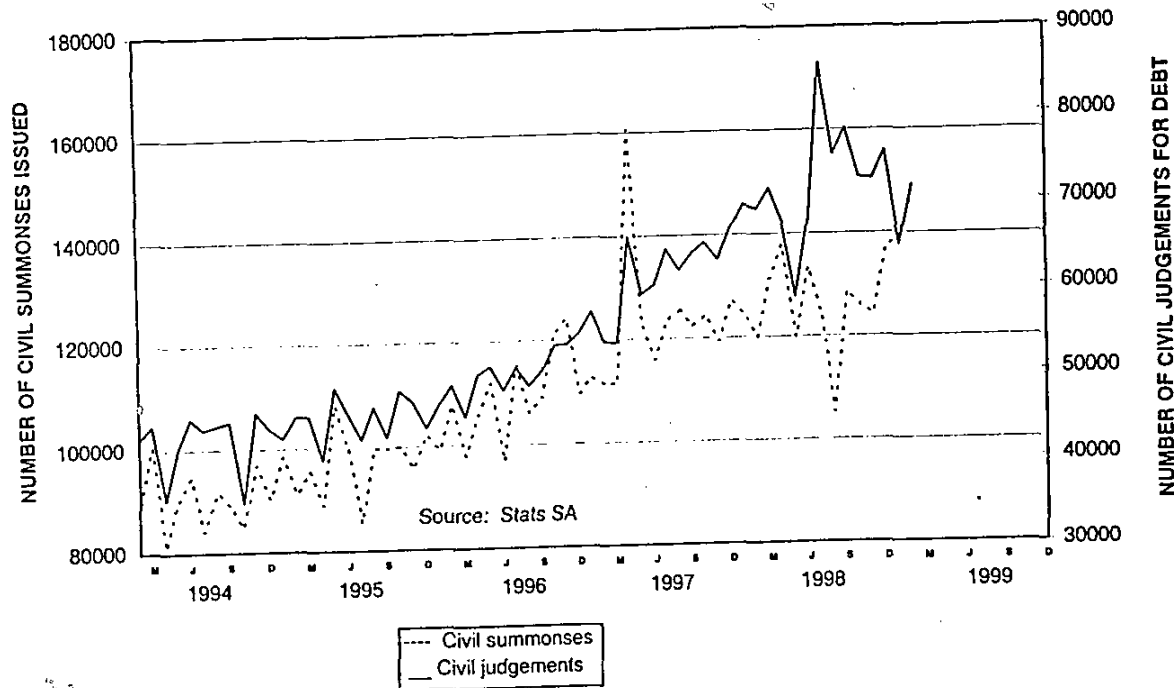
CIVIL DEBT CASES INCREASE

The total number of civil summonses for debt recorded for the three months up to February 1999 reflects an increase of 14,4% (from 321 318 to 367 705) compared with the corresponding period of a year ago and, after seasonal adjustment, is 11,9% higher than the preceding three months. The total number of civil judgements for debt recorded for the three months up to February 1999 increased by 3,0% compared with the corresponding period of a year ago, but after seasonal adjustment, is 5,1% lower than the preceding three months.

The increase of 14,4% in civil summonses for debt can be attributed to a greater number of civil summonses issued in respect of "other services" (+25,0%) and money lent (+29,4%). During February 1999, 46 129 or 31,8% of the total summonses for debt issued were for civil summonses relating to "other services" while 24 986 or 17,2% were in respect of money lent.

During February 1999, 67 467 civil judgements for debt were issued amounting to R750,5 million. The major contributors to the R750,5 million were civil judgements relating to money lent (R341,2 million) and goods sold on open account (R50,6 million).

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:				
Dec. 1998 - Feb. 1999	367 705	187 352	+14,4	+3,0
Dec. 1997 - Feb. 1998	321 318	181 976		
Seasonally adjusted figures:				
Dec. 1998 - Feb. 1999	423 985	211 660	+11,9	-5,1
Sept. 1998 - Nov. 1998	378 964	222 973		

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, ejection 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		1998		1999		1998	
	Feb.	Jan.	Feb.	Jan.	Feb.	Jan.	Feb.	Jan.
	Number							
1. Cases recorded	1 619 083	154 724	122 660	122 850	1 473 808	142 211	110 176	109 714
1.1 Actual figures		158 643	148 967	125 415		145 617	133 966	111 758
1.2 Seasonally adjusted								
2. Civil summonses for debt	1 508 999	145 211	116 744	118 210	1 375 287	134 124	105 218	106 089
2.1 Total		147 670	139 325	119 993		135 699	125 692	107 162
2.1.1 Actual figures								
2.1.2 Seasonally adjusted								
2.2 Goods sold	234 857	20 689	17 234	19 960	206 154	18 271	15 100	17 694
2.2.1 Open account	36 053	4 506	2 469	2 872	31 639	4 133	2 189	2 370
2.2.2 Instalment sale transactions								
2.3 Services	175 855	14 442	13 874	14 163	163 941	13 391	12 515	13 043
2.3.1 Professional	424 975	46 129	31 126	30 836	394 195	43 632	28 657	28 132
2.3.2 Other								
2.4 Rent	63 796	4 972	5 414	4 900	50 891	3 987	4 267	3 960
2.5 Money lent	261 162	24 986	24 400	20 023	244 867	23 630	22 668	18 685
2.6 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	107 581	10 637	7 942	9 760	96 912	9 757	7 178	7 852
2.7 Other	204 720	18 850	14 285	15 696	186 698	17 323	12 644	14 353

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
1997	180 497	135 070	19 317	7 862	32 125	104 135	171 300	97 837	36 152	115 052	48 943	19 908
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
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
M	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	14 821	1 899	1 266	2 840	9 869	20 995	6 772	2 590	10 529	5 099	2 566

TABLE 3 - CIVIL DEFAULT AND CONSENT JUDGEMENTS FOR DEBT

Item	Business enterprises and private persons						Private persons					
	1998		1999		1998		1998		1999		1998	
	Feb.	Jan.	Feb.	Jan.	Feb.	Jan.	Feb.	Jan.	Feb.	Jan.	Feb.	
1. Judgements	Number											
1.1 Total	864 554	67 467	56 586	65 545	812 495	63 480	52 567	61 722	67 058	59 495	64 772	
1.1.1 Actual figures												
1.1.1.2 Seasonally adjusted	133 896	11 208	7 953	10 780	120 892	10 142	6 964	9 757	16 170	1 272	1 145	1 186
1.2 Goods sold												
1.2.1 Open account	97 052	7 219	6 857	7 144	94 501	7 006	6 669	6 948	199 715	10 239	10 391	15 119
1.2.2 Instalment sale transactions	32 484	2 523	2 037	2 047	24 858	2 043	1 637	1 669	65 086	5 395	5 039	5 328
1.3 Services												
1.3.1 Professional	185 153	18 167	14 531	14 174	182 020	17 890	14 234	13 972	199 715	10 239	10 391	15 119
1.3.2 Other	65 086	5 395	5 039	5 328	60 786	4 988	4 744	5 034	32 484	2 523	2 037	2 047
1.4 Rent												
1.5 Money lent												
1.6 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt												
1.7 Other	134 998	11 444	8 613	9 892	127 502	10 671	7 799	9 360				
R1 000												
1. Judgements	6 308 098	750 486	563 217	475 577	5 475 146	532 473	484 538	413 242				
1.1 Total												
1.2 Goods sold												
1.2.1 Open account	547 637	50 636	58 019	43 533	366 703	28 373	41 542	30 733	322 633	25 970	38 202	24 039
1.2.2 Instalment sale transactions												
1.3 Services												
1.3.1 Professional	169 718	11 856	16 870	11 273	151 378	10 432	15 572	10 316	494 851	36 135	31 008	48 855
1.3.2 Other	224 191	17 583	15 098	19 403	165 551	11 546	10 669	15 957	2 413 180	341 174	260 748	178 321
1.4 Rent									638 841	43 466	42 805	43 558
1.5 Money lent												
1.6 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt												
1.7 Other	1 577 047	223 666	100 467	106 595	1 202 650	76 738	72 669	94 328				

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

- o "Courts" relate to the total number of small claims courts at the end of the months as indicated.
- o "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