

Statistics of civil cases for debt

February 2000

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Embargo: 11:00
Date: 20 April 2000

Published by
Statistics South Africa
Private Bag X44
Pretoria
0001

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CIVIL SUMMONSES FOR DEBT LOWER THAN A YEAR AGO

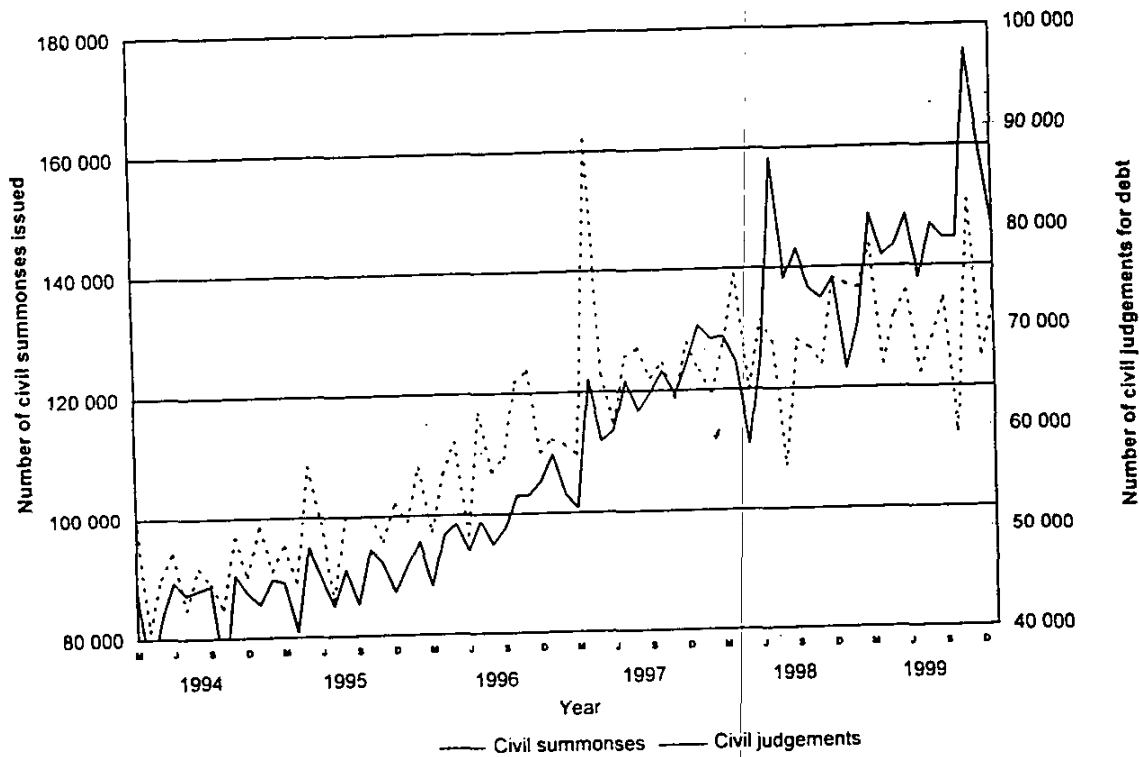
The total number of civil summonses for debt recorded for the three months up to February 2000 decreased by 2,1% (from 358 323 to 350 626) compared with the corresponding period of 1999. However, the total number of civil summonses for debt recorded for the three months up to February 2000, after seasonal adjustment, is 0,6% higher than the previous three months.

The total number of civil judgements for debt recorded for the three months up to February 2000 increased by 25,4% (from 186 829 to 234 347) compared with the corresponding period of 1999. Furthermore, the total number of civil judgements for debt recorded for the three months up to February 2000, after seasonal adjustment, is 3,4% higher than the previous three months.

The decrease of 2,1% in civil summonses for debt for the three months up to February 2000 compared with the corresponding period of 1999 was due to a smaller number of civil summonses issued in respect of instalment sale transactions (-23,5%), "other services" (-12,3%), rent (-3,9%) and promissory notes (-1,5%) during the above-mentioned period. During February 2000, 36,5% or 51 532 of the total summonses for debt issued was regarding services, 18,8% or 26 484 related to money lent, and 16,2% or 22 817 was in respect of goods sold on open account.

During February 2000, 91 156 civil judgements for debt were issued amounting to R601,2 million. The largest contributors to the R601,2 million were civil judgements relating to money lent (38,4% or R231,0 million), followed by promissory notes, bills, R/D cheques, credit cards and other acknowledgements for debt (11,4% or R68,7 million) and goods sold on open account transactions (9,7% or R58,1 million).

Figure 1 – Civil summonses and judgements for debt



Source : Stats S A

pp *[Signature]*
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 Head: Statistics South Africa

Key figures for the month ended February 2000

Period	Number		Percentage change	
	Summonses for debt	Civil judgements for debt	Summonses for debt	Civil judgements for debt
Actual figures:				
Dec. 1999 - Feb. 2000	350 626	234 347	-2,1	+25,4
Dec. 1998 - Feb. 1999	358 323	186 829		
Seasonally adjusted figures:				
Dec. 1999 - Feb. 2000	400 247	263 952	+0,6	+3,4
Sept. 1999 - Nov. 1999	397 885	255 327		

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 SUBPOENES FOR DEBT ISSUED

Item	Business enterprises and private persons						Private persons												
	1999		2000		1999		1999		2000		1999								
	Feb.	Jan.	Feb.	Jan.	Feb.	Jan.	Feb.	Jan.	Feb.	Jan.	Feb.								
1. Cases recorded	1	724	507	160	549	124	111	145	342	1	566	296	137	344	114	727	132	939	
1.1 Actual figures				162	902	149	617	147	228				141	641	137	809	136	526	
1.2 Seasonally adjusted				141	814	133	298	136	483				124	548	123	345	126	532	
2. Civil summonses for debt																			
2.1 Total	1	581	887	141	158	113	717	135	829	1	445	626	122	678	105	687	124	852	
2.1.1 Actual figures				248	387	22	817	21	157				19	225	13	661	18	752	
2.1.1.2 Seasonally adjusted				36	499	3	481	4	717				2	689	2	293	4	340	
2.2 Goods sold																			
2.2.1 Open account																			
2.2.2 Instalment sale transactions																			
2.3 Services																			
2.3.1 Professional				179	662	16	904	12	211	14	581	165	440	14	773	11	343	13	543
2.3.2 Other				383	215	34	628	31	607	34	856	353	502	31	318	29	857	32	356
2.4 Rent				61	045	6	686	3	721	5	023	49	742	4	821	3	087	4	044
2.5 Money lent				335	421	26	484	25	818	25	654	317	001	23	937	24	538	24	334
2.6 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt				116	687	9	046	8	651	10	660	108	137	7	081	8	245	9	780
2.7 Other				220	972	21	112	13	849	19	181	197	868	18	834	12	663	17	703

TABLE 3 - CIVIL DEFAULT AND CONSENT JUDGEMENTS FOR DEBT

Item	Business enterprises and private persons						Private persons					
	1999		2000		1999		1999		2000		1999	
	Feb.	Jan.	Feb.	Jan.	Feb.	Jan.	Feb.	Jan.	Feb.	Jan.	Feb.	
	Number											
1. Judgements	953 209	91 156	68 333	66 944	899 815	87 062	64 312	63 082				
1.1 Total	95 965	79 876	70 382			91 353	73 688	66 050				
1.1.1 Actual figures												
1.1.2 Seasonally adjusted												
1.2 Goods sold	154 408	12 427	10 675	11 286	141 220	11 540	9 890	10 225				
1.2.1 Open account	19 408	1 812	1 872	1 260	17 840	1 683	1 229	1 176				
1.2.2 Instalment sale transactions												
1.3 Services	99 287	9 026	6 739	7 262	95 551	8 783	6 508	7 047				
1.3.1 Professional	172 280	17 403	13 470	9 775	162 626	16 660	12 866	9 099				
1.3.2 Other												
1.4 Rent	34 236	4 283	2 446	2 523	27 491	3 592	2 021	2 040				
1.5 Money lent	237 545	22 798	17 632	18 068	233 681	22 410	17 291	17 800				
1.6 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	74 317	9 321	5 908	5 391	69 585	9 027	5 522	4 983				
1.7 Other	161 729	14 085	9 592	11 379	151 821	13 369	8 985	10 712				
	R1 000											
1. Judgements	7 788 984	601 203	506 821	687 611	6 469 910	510 707	432 692	465 209				
1.1 Total												
1.2 Goods sold	682 631	58 108	47 933	50 523	470 369	44 982	35 869	28 303				
1.2.1 Open account	410 222	32 317	23 420	25 351	340 798	27 315	19 371	22 180				
1.2.2 Instalment sale transactions												
1.3 Services	203 841	14 807	13 839	12 318	179 127	13 347	12 714	10 869				
1.3.1 Professional	529 223	48 268	34 482	36 243	446 666	41 811	30 067	29 710				
1.3.2 Other												
1.4 Rent	256 448	23 068	19 643	17 683	185 708	15 824	14 952	11 614				
1.5 Money lent	3 070 259	230 964	195 623	276 875	2 842 237	215 270	180 620	249 225				
1.6 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	643 341	68 747	53 821	43 395	569 049	60 050	44 465	38 735				
1.7 Other	1 993 018	124 925	118 060	225 223	1 436 017	92 107	94 635	74 573				

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
1998	121	22 546	28 622	27 672
1999	127	34 897	30 592	30 651

Source: Department of Justice