

## Statistics of civil cases for debt P0041

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### Key figures for the month ended February 2001

<b>Actual estimates</b>	<b>February 2001</b>	<b>% change between February 2000 and</b>	<b>% change between December 1999 to February 2000 and</b>	<b>% change between January 2000 to February 2000 and</b>
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		<b>February 2001</b>	<b>December 2000 to February 2001</b>	<b>January 2001 to February 2001</b>
Number of civil summonses issued for debt	130 318	-8,6	-2,6	-4,1
Number of civil judgements recorded for debt	85 647	-2,0	-4,0	+4,2
Value of civil judgements recorded for debt (R million)	767,6	+31,5	+26,6	39,3

<b>Seasonally adjusted estimates</b>	<b>February 2001</b>	<b>% change between January 2001 and February 2001</b>	<b>% change between September 2000 to November 2000 and December 2000 to February 2001</b>
Number of civil summonses issued for debt	127 867	-3,7	-2,0
Number of civil judgements recorded for debt	87 524	-7,3	+10,7
Value of civil judgements recorded for debt (R million)	740,8	-12,6	+19,9

## **Key findings as at the end of February 2001**

### **The total number of civil summonses issued for debt decreases**

*The total number of civil summonses issued for debt for the three months ended February 2001 decreased by 2,6% compared with the three months ended February 2000. Furthermore, the total number of civil summonses issued for debt for the three months ended February 2001, after seasonal adjustment, decreased by 2,0% compared with the previous three months.*

The major contributors to the decrease of 2,6% in civil summonses issued for debt for the three months ended February 2001 compared with the three months ended February 2000 were civil summonses issued in respect of "other" services (-1,8 percentage points) and goods sold on account (-1,0 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 three months ended February 2001 decreased by 4,0% compared with the three months ended February 2000. However, the total number of civil judgements recorded for debt for three months ended February 2001, after seasonal adjustment, increased by 10,7% compared with the previous three months.*

The major contributors to the decrease of 4,0% in the number of civil judgements recorded for debt for the three months ended February 2001 compared with the three months ended February 2000 were civil judgements recorded in respect of "other" services (-4,9 percentage points), goods sold on open account (-2,0 percentage points), promissory notes (-1,9 percentage points). However, these decreases were partially counteracted by increases in the number of judgements recorded for debt relating to "other" debts (+3,5 percentage points) and money lent (+1,9 percentage points).

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

*The total value of civil judgements recorded for debt for the three months ended February 2001 increased by 26,6% compared with the three months ended February 2000. Furthermore, the total value of civil judgements recorded for debt for the three months ended February 2001, after seasonal adjustment, increased by 19,9% compared with the previous three months.*

The major contributor to the increase of 26,6% in the value of civil judgements recorded for debt for the three months ended February 2001 compared with the three months ended February 2000 was civil judgements recorded in respect of "other" debts (+28,5 percentage points).

During February 2001, 85 647 civil judgements for debt amounted to R767,6 million. The largest contributors to the R767,6 million were civil judgements relating to "other" debts (43,0% or R330,4

million) and money lent (26,8% or R205,6 million).

## Notes

Forthcoming issues Issue Expected release date

March 2001 24 May 2001

April 2001 21 June 2001

May 2001 26 July 2001

June 2001 23 August 2001

July 2001 27 September 2001

August 2001 15 October 2001

September 2001 22 November 2001

October 2001 20 December 2001

November 2001 24 January 2002

December 2001 21 February 2002

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). This survey collects 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.

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

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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, ejectment orders and other non-debt cases are excluded.

**Scope of the survey<sup>4</sup>** 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<sup>7</sup>** 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 May 1995. A comparison with the period prior to May 1995 must thus be handled with circumspection.

**Statistical unit<sup>9</sup>** The statistical unit for collection of information is a magistrate's office. Magistrate's offices include the small claims courts.

**10** 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.

**Survey methodology and 6** The survey is conducted by mail each month from approximately 152

**design** magistrates' offices.

**Seasonal adjustment 12** 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.

**Trend cycle 13** Smoothed seasonally adjusted estimates are generated using the X-11 Seasonal Adjustment Programme.

**Publications 14** Users may also wish to refer to the following publications:

- Bulletin of Statistics issued quarterly.
- SA Statistics issued annually.

**Unpublished statistics 15** 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.

**Symbols and abbreviations 16** R/D Refer to Drawer

CD Compact Disc

Stats SA Statistics South Africa

TBVC Transkei, Bophuthatswana, Venda, Ciskei.



## Technical notes

**Response rates** The response rate for February was 78,0%

# Glossary

**Acknowledgement of** Acknowledgement of debt is a statement by a person/debtor in which he admits that

**debt** he owes money to an individual or a company or a bank.

**Bills** Bills are statements of charges for services rendered or for amounts owed.

**Civil judgements** Civil judgements are decisions taken in a civil matter or a dispute between two people or parties.

**Civil summonses** 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.

**Consent judgements** 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.

**Default judgements** 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.

**Hearings** 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.

**Instalment sale** Instalment sale transactions relates to where a person buys goods on credit and pays

**transactions** for them in instalments, e.g. every week or month, until he/she settles the debt.

**Litigants** Litigants are people who take part in court proceedings, usually against each other, like

a debtor and a creditor.

**Litigants referred** Litigants referred relates to a case where the parties have been referred to another instance/court.

**Open account** Open account transactions are revolving credit, i.e. where an account does not have a

**transaction** final payment date and a person can always take more goods and keep paying as long as he has credit.

**Other services** "Other services" refers to municipal services (except outstanding assessment rates), plumbers, builders, mechanics, panel-beaters and electricians.

**Other kinds of debt**"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 the Unemployment Insurance and Compensation Funds, outstanding money in respect of television maintenance contracts and outstanding money in respect of flat levies.

**Plaintiff** Plaintiff is a person/party in a civil case who asks the court for judgement against another person.

**Promissory note** 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.

**Reference month** Reference month refers to one calendar month.

**Refer to drawer** RD Cheques refer to dishonoured cheques. The drawer is the owner of the cheque.

**(RD) cheques** 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.

**Small claims courts** 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.

Item	Business enterprises and private persons				Private persons			
	2000	2000	2001	2001	2000	2000	2001	2001
		Feb.	Jan.	Feb.		Feb.	Jan.	Feb.
1. Cases recorded								
1.1 Actual figures	1 760 497	161 906	136 693	154 991	1 586 756	138 238	124 531	140 958
1.2 Seasonally adjusted		160 227	158 303	151 914		138 002	143 757	139 497
2. Civil summonses for debt								
2.1 Goods sold								
2.1.1 Open account	256 641	23 714	17 307	19 477	228 116	19 949	15 660	17 646
2.1.2 Instalment sale transactions	38 925	3 065	2 979	3 493	32 682	2 281	2 685	3 120
2.2 Services								
2.2.1 Professional	181 781	16 745	12 653	14 352	167 527	14 581	12 139	13 741
2.2.2 Other	389 835	34 652	27 388	29 430	361 543	31 204	25 697	27 663
2.3 Rent	67 089	6 665	5 164	6 424	52 754	4 786	4 086	5 136
2.4 Money lent	317 857	27 290	24 977	29 733	297 104	24 687	24 112	28 525
2.5 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	106 237	9 214	7 969	9 126	92 363	7 148	7 005	7 998
2.6 Other	220 191	21 182	17 051	18 283	194 939	18 945	15 707	16 554
2.7 Total								
2.7.1 Actual figures	1 578 556	142 527	115 488	130 318	1 427 023	123 581	107 092	120 384
2.7.2 Seasonally adjusted		141 070	132 753	127 867		123 287	122 122	119 204

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
1999	183 828	134 728	39 462	15 786	33 568	118 178	127 479	88 827	46 564	153 977	54 911	29 040
2000	216 481	116 963	36 979	17 474	35 897	115 562	113 989	94 347	44 280	134 031	44 545	33 581
2000 - J	10 668	11 056	5 408	1 161	2 093	7 620	9 349	7 528	3 221	8 083	4 678	2 417
F	18 081	10 629	3 529	1 840	3 453	12 037	9 665	6 721	3 844	18 499	5 302	3 361

M	21 376	9 636	5 075	1 957	3 244	9 826	12 368	7 719	4 694	10 326	4 610	3 246
A	18 080	4 931	2 405	1 221	2 453	8 514	7 207	6 803	3 206	8 614	2 581	1 230
M	21 903	10 615	1 787	1 657	2 763	9 729	9 615	7 109	5 149	21 124	3 702	2 374
J	17 375	7 860	2 066	1 370	2 620	13 017	12 529	8 040	3 957	10 779	2 906	3 497
J	16 251	9 682	4 937	1 204	3 594	9 352	9 998	8 252	3 664	9 205	3 668	2 705
A	21 516	10 103	2 555	1 225	4 020	10 400	8 852	8 347	3 837	7 609	2 558	2 778
S	16 811	11 157	2 099	1 039	2 725	8 862	8 419	6 946	3 129	10 055	4 072	2 876
O	18 226	11 678	1 894	1 842	2 417	9 857	8 419	9 843	3 673	10 870	3 362	3 516
N	21 303	14 388	2 876	1 516	4 026	9 305	10 352	9 972	3 212	11 268	3 799	3 096
D	14 891	5 228	2 348	1 442	2 489	7 043	7 216	7 067	2 694	7 599	3 307	2 485
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	1 442	3 877	10 829	7 216	8 718	3 704	14 951	2 599	6 619

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			
	2000	2000	2001	2001	2000	2000	2001	2001
		Feb.	Jan.	Feb.		Feb.	Jan.	Feb.
1. Judgements								
1.1 Goods sold								
1.1.1 Open account	144 400	12 329	9 875	10 965	133 571	11 496	8 859	9 788
1.1.2 Instalment sale transactions	18 236	1 629	1 353	1 409	16 229	1 521	1 186	1 277
1.2 Services								
1.2.1 Professional	98 282	8 339	7 279	8 616	95 164	8 132	6 904	8 133
1.2.2 Other	175 794	16 659	11 513	13 687	167 720	15 956	10 687	12 797
1.3 Rent	39 544	3 701	3 014	3 534	31 900	3 019	2 430	2 220
1.4 Money lent	256 734	22 285	21 207	24 972	250 212	21 897	20 484	24 243
1.5 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	82 897	8 342	5 620	5 980	78 796	8 074	5 325	5 611
1.6 Other	154 030	14 100	16 800	16 484	144 421	13 375	14 846	14 478
1.7 Total								
1.7.1 Actual figures	969 917	87 384	76 661	85 647	918 016	83 471	70 719	78 547
1.7.2 Seasonally adjusted		89 820	94 431	87 524		85 630	87 234	80 194

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			
	2000	2000	2001	2001	2000	2000	2001	2001
		Feb.	Jan.	Feb.		Feb.	Jan.	Feb.
	R1 000							
1. Judgements								
1.1 Goods sold								
1.1.1 Open account	742 143	56 894	49 013	56 090	575 200	44 416	36 983	40 572
1.1.2 Instalment sale transactions	357 168	29 221	25 183	33 355	303 783	24 875	18 840	27 864
1.2 Services								
1.2.1 Professional	184 641	14 076	12 006	18 853	166 096	12 983	10 844	17 204
1.2.2 Other	593 386	44 622	82 659	38 648	529 087	38 823	78 267	34 665
1.3 Rent	308 836	23 577	22 543	22 674	214 718	16 500	14 980	14 870
1.4 Money lent	2 722 774	230 649	197 712	205 618	2 467 465	215 177	183 097	190 043
1.5 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	733 959	63 323	60 975	61 964	632 506	55 617	43 031	39 505
1.6 Other	1 441 291	121 271	303 691	330 359	1 118 335	92 258	196 704	211 273
1.7 Total								
1.7.1 Actual figures	7 084 198	583 633	753 782	767 561	6 007 189	500 650	582 746	575 996
1.7.2 Seasonally adjusted		566 905	847 462	740 829		482 958	656 176	552 166

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