



Statistics of civil cases for debt

February 2002

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Key figures for the month ended February 2002

Actual estimates

	February 2002	% change between February 2001 and February 2002	% change between December 2000 to February 2001 and December 2001 to February 2002	% change between January 2001 to February 2001 and January 2002 to February 2002
Number of civil summonses issued for debt	124 754	-7,6	-2,6	-1,4
Number of civil judgements recorded for debt	77 752	-7,0	-6,0	-14,8
Value of civil judgements recorded for debt (R million)	995,1	+22,3	+14,8	+1,8

Seasonally adjusted estimates

	February 2002	% change between January 2002 and February 2002	% change between September 2001 to November 2001 and December 2001 to February 2002
Number of civil summonses issued for debt	122 870	-10,4	+0,4
Number of civil judgements recorded for debt	78 919	-1,0	-3,5
Value of civil judgements recorded for debt (R million)	922,6	+40,7	+8,7

Key findings as at the end of February 2002

The total number of civil summonses for debt increases

The total number of civil summonses issued for debt for the three months ended February 2002, after seasonal adjustment, increased by 0,4% compared with the previous three months. However, the total number of civil summonses issued for debt for the three months ended February 2002 decreased by 2,6% compared with the three months ended February 2001. The total number of civil summonses issued for debt for the first two months of 2002 decreased by 1,4% compared with the first two months of 2001.

The major contributors to the decrease of 2,6% in civil summonses issued for debt for the three months ended February 2002 compared with the three months ended February 2001 were civil summonses issued in respect of 'other' services (-4,4 percentage points), goods sold on account (-1,4 percentage points) and professional services (-1,0 percentage point). However, these decreases were partially counteracted by increases in summonses issued for debt relating to money lent (+3,8 percentage points) and 'other' debts (+0,7 of a percentage point).

The total number of civil judgements recorded for debt decreases

The total number of civil judgements recorded for debt for the three months ended February 2002, after seasonal adjustment, decreased by 3,5% compared with the previous three months. Furthermore, the total number of civil judgements recorded for debt for three months ended February 2002 decreased by 6,0% compared with the three months ended February 2001. The total number of civil judgements for debt for the first two months of 2002 decreased by 14,8% compared with the first two months of 2001.

The major contributors to the decrease of 6,0% in the number of civil judgements recorded for debt for the three months ended February 2002 compared with three months ended February 2001 were civil judgements recorded in respect of 'other' services (-7,1 percentage points) and 'other' debts (-5,1 percentage points). However, these decreases were partially counteracted by increases in civil judgements relating to money lent (+3,4 percentage points) and professional services (+2,5 percentage points).

The total value of civil judgements recorded for debt increases

The total value of civil judgements recorded for debt for the three months ended February 2002, after seasonal adjustment, increased by 8,7% compared with the previous three months. Furthermore, the total value of civil judgements recorded for debt for the three months ended February 2002 increased by 14,8% compared with the three months ended February 2001. The total value of civil judgements for debt for the first two months of 2002 increased by 1,8% compared with the first two months of 2001.

The major contributors to the increase of 14,8% in the value of civil judgements recorded for debt for the three months ended February 2002 compared with the three months ended February 2001 were civil judgements recorded in respect of money lent (+15,6 percentage points), goods sold on account (+8,3 percentage points), 'other' services (+7,0 percentage points) and promissory notes (+2,0 percentage points). However, these increases were partially counteracted by decreases in civil judgements relating to 'other' debts (-19,9 percentage points).

During February 2002, 77 752 civil judgements for debt amounted to R995,1 million. The largest contributors to the R995,1 million were civil judgements relating to money lent (51,3% or R510,3 million) and 'other' debts (18,0% or R178,7 million).

Notes

Forthcoming issues

Issue

Expected release date

March 2002	23 May 2002
April 2002	20 June 2002
May 2002	25 July 2002
June 2002	22 August 2002
July 2002	26 September 2002
August 2002	24 October 2002
September 2002	21 November 2002
October 2002	19 December 2002
November 2002	15 January 2003
December 2002	19 February 2003

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 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.

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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.

Statistical unit 9 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 design 6 The survey is conducted by mail each month from approximately 152 magistrates' offices.

Seasonal adjustment 12 Seasonal adjustment 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 88,1%

Glossary

Acknowledgement of debt	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.
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 transactions	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.
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 transaction	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.
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 debts” 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.
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	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.
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.

For more information

Stats SA publishes approximately 300 different statistical releases each year. It is not economically viable to produce them in more than one of South Africa's eleven official languages. Since the releases are used extensively, not only locally but also by international economic and social-scientific communities, Stats SA releases are published in English only.

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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			
	2001	2001	2002	2002	2001	2001	2002	2002
		Feb.	Jan.	Feb.		Feb.	Jan.	Feb.
Number								
1. Cases recorded								
1.1 Actual figures	1 813 654	158 608	131 991	140 010	1 655 837	144 056	120 852	127 967
1.2 Seasonally adjusted		157 888	151 007	138 765		143 025	137 484	126 455
2. Civil summonses for debt								
2.1 Goods sold								
2.1.1 Open account	248 080	20 311	16 570	18 090	221 283	18 390	14 907	16 153
2.1.2 Instalment sale transactions	45 565	4 441	3 437	3 623	41 154	4 064	3 177	3 332
2.2 Services								
2.2.1 Professional	167 898	14 433	12 252	12 459	160 340	13 802	11 730	11 838
2.2.2 Other	322 400	30 058	24 240	24 500	301 137	28 115	22 937	23 100
2.3 Rent	82 665	6 603	6 060	5 729	66 000	5 311	4 946	4 272
2.4 Money lent	351 681	30 445	33 658	32 243	335 566	29 147	32 374	31 192
2.5 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	111 152	10 202	8 142	8 815	95 936	8 979	6 972	7 972
2.6 Other	234 135	18 506	17 811	19 295	209 683	16 748	15 152	16 701
2.7 Total								
2.7.1 Actual figures	1 563 576	134 999	122 170	124 754	1 431 098	124 556	112 195	114 560
2.7.2 Seasonally adjusted		133 484	137 151	122 870		123 066	124 389	112 782

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
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
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
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	9 395	1 899	769	3 301	13 463	10 413	6 028	3 003	12 691	1 858	2 939

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			
	2001	2001	2002	2002	2001	2001	2002	2002
		Feb.	Jan.	Feb.		Feb.	Jan.	Feb.
1. Judgements								
1.1 Goods sold								
1.1.1 Open account	133 233	10 233	10 283	10 127	122 089	9 103	9 593	9 272
1.1.2 Instalment sale transactions	19 342	1 382	1 122	1 485	17 157	1 260	1 037	1 350
1.2 Services								
1.2.1 Professional	102 587	8 539	8 852	9 357	98 859	8 042	8 674	9 077
1.2.2 Other	159 631	14 660	7 280	8 592	151 104	13 771	6 839	8 161
1.3 Rent	46 551	3 619	2 743	4 281	38 495	2 294	2 417	3 552
1.4 Money lent	310 569	25 645	20 732	27 727	303 382	24 639	20 427	27 212
1.5 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	85 482	6 389	3 253	6 015	79 025	5 681	3 073	5 696
1.6 Other	152 749	13 181	7 587	10 168	142 434	11 455	7 149	8 553
1.7 Total								
1.7.1 Actual figures	1 010 144	83 648	61 852	77 752	952 545	76 245	59 209	72 872
1.7.2 Seasonally adjusted		85 460	79 718	78 919		78 741	76 755	74 885

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			
	2001	2001	2002	2002	2001	2001	2002	2002
		Feb.	Jan.	Feb.		Feb.	Jan.	Feb.
R 1000								
1. Judgements								
1.1 Goods sold								
1.1.1 Open account	1 025 789	56 564	53 007	113 214	848 081	40 718	41 869	100 840
1.1.2 Instalment sale transactions	353 756	36 714	24 965	32 279	286 119	27 900	22 089	26 433
1.2 Services								
1.2.1 Professional	218 869	17 901	18 045	22 687	200 675	16 447	17 220	20 182
1.2.2 Other	770 697	40 648	122 290	65 239	693 405	32 993	114 936	59 447
1.3 Rent	346 812	23 738	19 918	23 026	247 981	15 352	15 521	18 140
1.4 Money lent	2 954 066	220 887	164 209	510 327	2 742 300	205 920	152 422	500 403
1.5 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	761 520	59 370	83 333	49 607	625 223	37 181	74 112	43 417
1.6 Other	2 729 738	358 008	100 248	178 737	2 080 050	248 736	53 758	85 938
1.7 Total								
1.7.1 Actual figures	9 161 247	813 830	586 015	995 116	7 723 837	625 250	491 926	854 800
1.7.2 Seasonally adjusted		758 985	655 873	922 567		596 263	547 044	812 620

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