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Statistics of civil cases for debt

January 1999

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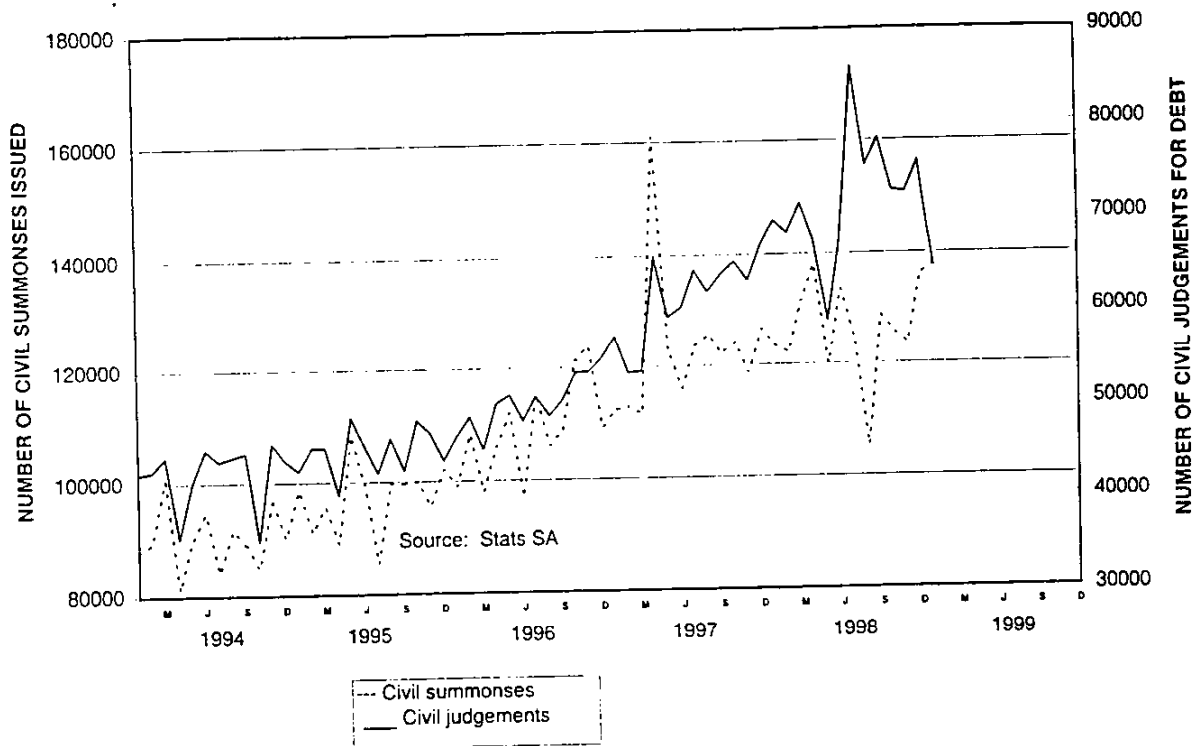
CIVIL DEBT CASES INCREASE

The total number of civil summonses and civil judgements for debt shows an upward trend. The total number of civil summonses for debt recorded for the three months up to January 1999, increased by 7,2% compared with the corresponding period a year ago and, after seasonal adjustment, is 10,6% higher than the preceding three months. The total number of civil judgements for debt recorded for the three months up to January 1999 increased by 6,8% compared with the corresponding period a year ago but, after seasonal adjustment, is 5,9% lower than the previous three months.

The increase of 7,2% in civil summonses for debt can be attributed to a greater number of civil summonses issued in respect of money lent (+31,7%) and promissory notes, bills, RD cheques, credit cards and other acknowledgements of debt (+17,9%). During January 1999, 31 126 or 26,7% of the total summonses for debt were for civil summonses relating to "other services" and 24 400 or 20,9% were in respect of money lent.

During January 1999, 56 586 civil judgements for debt were issued amounting to R563,2 million. The major contributors to the R563,2 million were civil judgements relating to money lent (R260,7 million) and goods sold on open account (R58,0 million).

Figure 1 - CIVIL SUMMONSES AND JUDGEMENTS FOR DEBT



pp *[Signature]*
 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:				
Nov. 1998 - Jan. 1999	354 620	192 576	+7,2	+6,8
Nov. 1997 - Jan. 1998	330 685	180 329		
Seasonally adjusted figures:				
Nov. 1998 - Jan. 1999	397 744	212 807	+10,6	-5,9
Aug. 1998 - Oct. 1998	359 676	226 260		

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 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	115 062	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	9 841	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
N	15 558	9 787	2 078	664	2 940	7 353	7 718	8 045	4 060	11 538	3 298	2 209
D	13 084	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

TABLE 3 - CIVIL DEFAULT AND CONSENT JUDGEMENTS FOR DEBT

Item	Business enterprises and private persons				Private persons			
	1999		1998		1999		1998	
	Jan.	Dec.	Jan.	Dec.	Jan.	Dec.	Jan.	Dec.
	Number							
1. Judgements								
1.1 Total	864 554	56 586	63 299	60 728	812 495	52 567	59 494	57 612
1.1.1 Actual figures	64 558	75 793	69 513			59 696	71 260	65 673
1.1.2 Seasonally adjusted								
1.2 Goods sold	133 896	7 953	9 016	9 465	120 892	6 964	8 103	8 587
1.2.1 Open account	16 170	1 145	1 014	930	14 675	1 010	938	835
1.2.2 Instalment sale transactions								
1.3 Services	97 052	6 857	6 583	6 469	94 501	6 669	6 401	6 273
1.3.1 Professional	199 715	10 391	10 600	17 120	187 261	9 510	9 904	16 324
1.3.2 Other								
1.4 Rent	32 484	2 037	2 561	1 812	24 858	1 637	1 964	1 519
1.5 Money lent	185 153	14 551	14 917	13 039	182 020	14 234	14 462	12 826
1.6 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	65 086	5 039	4 643	4 030	60 786	4 744	4 362	3 802
1.7 Other	134 998	8 613	13 965	7 863	127 502	7 799	13 360	7 446
	R1 000							
1. Judgements								
1.1 Total	6 388 098	563 217	709 466	419 978	5 475 146	484 538	637 602	363 356
1.2 Goods sold	547 637	58 019	40 148	37 021	366 703	41 542	23 689	22 506
1.2.1 Open account	322 633	38 202	20 612	20 641	281 936	33 015	15 690	18 048
1.2.2 Instalment sale transactions								
1.3 Services	169 718	16 870	12 668	10 022	151 378	15 572	10 687	8 872
1.3.1 Professional	494 851	31 008	29 591	39 287	418 555	24 896	23 108	34 969
1.3.2 Other								
1.4 Rent	224 191	15 098	16 819	14 176	165 551	10 669	11 237	10 335
1.5 Money lent	2 413 180	260 748	255 209	161 430	2 255 045	248 206	240 060	152 629
1.6 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	638 841	42 805	74 167	52 117	583 328	37 969	69 097	46 400
1.7 Other	1 577 047	100 467	260 252	85 284	1 282 650	72 669	244 034	69 597

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

- "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 - 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