

Statistics of civil cases for debt

January 2000

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CIVIL SUMMONSES AND JUDGEMENTS FOR DEBT HIGHER THAN A YEAR AGO

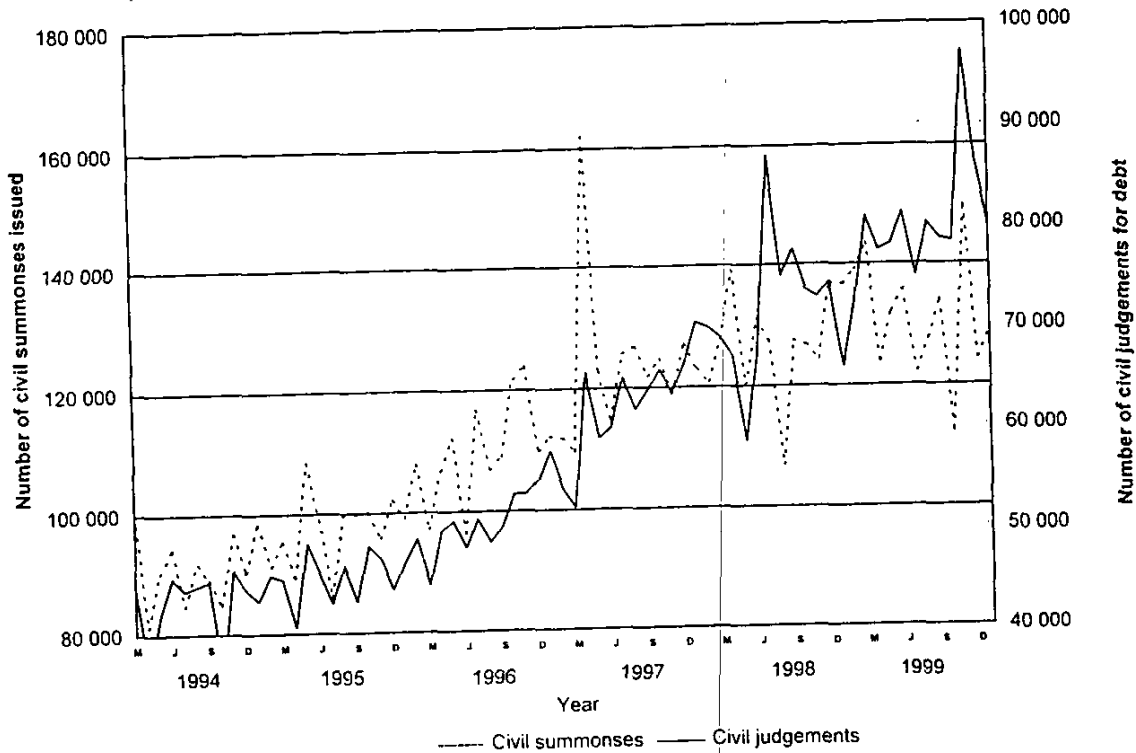
The total number of civil summonses for debt recorded for the three months up to January 2000 increased by 3,0% (from 354 620 to 365 138) compared with the corresponding period of 1999. Furthermore, the total number of civil summonses for debt recorded for the three months up to January 2000, after seasonal adjustment, is 7,9% higher than the previous three months.

The total number of civil judgements for debt recorded for the three months up to January 2000 increased by 24,1% (from 192 576 to 239 022) compared with the corresponding period of 1999. Furthermore, the total number of civil judgements for debt recorded for the three months up to January 2000, after seasonal adjustment, is 11,1% higher than the previous three months.


The increase of 3,0% in civil summonses for debt was mainly due to a greater number of civil summonses issued relating to money lent (+32,7%) during the above-mentioned period. During January 2000, 39,3% or 43 476 of the total summonses for debt issued was regarding services, 19,8% or 21 943 related to money lent, and 14,0% or 15 529 was in respect of goods sold on open account.

During January 2000, 68 456 civil judgements for debt were issued amounting to R511,0 million. The largest contributors to the R511,0 million were civil judgements relating to money lent (39,9% or R204,1 million), followed by promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt (10,2% or R52,1 million) and goods sold on open account (9,1% or R46,7 million).

Figure 1 – Civil summonses and judgements for debt



Source : Stats S A


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 Dr F M Orkin
 Head: Statistics South Africa

Key figures for the month ended January 2000

Period	Number		Percentage change	
	Summonses for debt	Civil judgements for debt	Summonses for debt	Civil judgements for debt
Actual figures:				
Nov. 1999 - Jan. 2000	365 138	239 022	+3,0	+24,1
Nov. 1998 - Jan. 1999	354 620	192 576		
Seasonally adjusted figures:				
Nov. 1999 - Jan. 2000	403 166	263 560	+7,9	+11,1
Aug. 1999 - Oct. 1999	373 821	237 232		

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		2000		1999		1999		2000		1999	
	Jan.	Dec.	Jan.	Dec.	Jan.	Dec.	Jan.	Dec.	Jan.	Dec.	Jan.	
Number												
1. Cases recorded	1 723 273	120 435	110 462	122 660	1 565 022	111 654	100 681	110 176				
1.1 Actual figures	144 823	144 020	147 543			134 562	134 561	132 695				
1.2 Seasonally adjusted												
2. Civil summonses for debt	1 580 297	110 627	96 182	116 744	1 444 012	102 817	86 588	105 218				
2.1 Total	129 054	124 311	136 679			120 083	115 033	123 282				
2.1.1 Actual figures												
2.1.2 Seasonally adjusted												
2.2 Goods sold	248 449	15 529	16 052	17 234	222 369	13 981	14 289	15 100				
2.2.1 Open account	36 456	2 578	1 785	2 469	31 590	2 346	1 552	2 189				
2.2.2 Instalment sale transactions												
2.3 Services	179 637	12 399	11 613	13 874	165 454	11 556	10 554	12 515				
2.3.1 Professional	383 454	31 077	19 172	31 126	353 737	29 480	17 565	28 657				
2.3.2 Other												
2.4 Rent	61 119	3 714	3 649	5 414	49 817	3 032	2 929	4 267				
2.5 Money lent	335 508	21 943	21 557	24 400	317 045	20 624	19 891	22 668				
2.6 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	116 616	8 577	7 963	7 942	108 049	8 186	7 462	7 178				
2.7 Other	219 060	14 811	14 392	14 285	195 953	13 612	12 347	12 644				

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
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
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
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	7 212	1 889	1 266	2 840	9 869	20 995	6 772	4 753	10 529	5 099	2 566
M	17 963	7 700	5 594	1 470	2 791	13 314	13 003	7 606	3 608	14 386	4 282	3 298
A	14 598	11 130	3 018	870	2 692	9 251	9 928	7 216	2 713	8 187	3 516	2 160
M	19 003	15 590	1 753	1 899	3 535	9 182	8 993	7 297	3 758	10 494	4 797	3 305
J	19 674	16 411	4 782	1 044	2 947	9 158	11 020	8 377	3 862	10 513	6 478	2 694
J	16 015	11 566	1 626	1 841	3 054	9 218	10 123	8 409	4 876	10 215	7 121	2 127
A	15 112	11 085	3 892	1 328	2 739	10 273	8 433	8 155	5 221	10 248	5 695	1 711
S	14 367	9 193	4 618	653	2 125	10 730	10 404	8 882	4 026	11 747	3 620	2 402
O	12 648	8 700	2 915	1 706	2 631	11 390	10 994	6 937	4 049	13 102	2 119	2 958
N	14 376	16 092	3 529	1 900	3 298	11 126	10 171	7 248	4 107	34 532	3 588	2 731
D	10 794	5 228	1 371	1 035	2 544	7 143	7 026	6 191	3 279	11 481	4 399	1 750
2000 - J	10 668	11 056	1 371	1 161	2 544	7 620	9 349	7 528	3 260	8 083	4 031	2 417

TABLE 3 - CIVIL DEFAULT AND CONSENT JUDGEMENTS FOR DEBT

Item	Business enterprises and private persons						Private persons					
	2000		1999		1999		2000		191999		191999	
	Jan.	Dec.	Jan.	Dec.	Jan.	Dec.	Jan.	Dec.	Jan.	Dec.	Jan.	Dec.
	Number											
1. Judgements	952 279	68 455	74 090	56 586	899 216	65 094	70 995	74 687	82 373	60 194	52 567	60 194
1.1 Total	80 011	86 350	65 871									
1.1.1 Actual figures	154 291	10 726	10 939	7 953	141 178	9 953	10 173	9 953	10 173	6 964	6 964	6 964
1.1.2 Seasonally adjusted	19 405	1 866	1 305	1 145	17 855	1 210	1 197	1 210	1 197	1 010	1 010	1 010
1.2 Goods sold												
1.2.1 Open account	99 185	6 759	6 550	6 857	95 457	6 536	6 375	6 536	6 375	6 669	6 669	6 669
1.2.2 Instalment sale transactions	172 026	13 078	15 771	10 391	162 496	13 144	15 096	13 144	15 096	9 510	9 510	9 510
1.3 Services												
1.3.1 Professional	34 243	2 457	2 220	2 037	27 502	2 001	1 848	2 001	1 848	1 637	1 637	1 637
1.3.2 Other	237 141	17 661	17 038	14 551	233 293	17 326	16 773	17 326	16 773	14 234	14 234	14 234
1.4 Rent	74 571	6 220	6 616	5 039	69 845	5 831	6 408	5 831	6 408	4 744	4 744	4 744
1.5 Money lent												
1.6 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	161 417	9 689	13 651	8 613	151 591	9 093	13 126	9 093	13 126	7 799	7 799	7 799
1.7 Other												
	R1 000											
1. Judgements	7 835 761	510 965	476 755	563 217	6 522 799	438 696	402 116	438 696	402 116	484 538	484 538	484 538
1.1 Total												
1.2 Goods sold	681 062	46 717	42 582	58 019	470 128	34 963	30 523	34 963	30 523	41 542	41 542	41 542
1.2.1 Open account	410 286	20 738	29 011	38 202	340 999	17 490	20 235	17 490	20 235	33 015	33 015	33 015
1.2.2 Instalment sale transactions												
1.3 Services												
1.3.1 Professional	203 597	13 586	11 513	16 870	178 906	12 446	9 474	12 446	9 474	15 572	15 572	15 572
1.3.2 Other	528 282	34 275	41 104	31 008	446 122	29 466	34 982	29 466	34 982	24 896	24 896	24 896
1.4 Rent	256 186	19 721	16 879	15 098	185 670	15 251	12 718	15 251	12 718	10 669	10 669	10 669
1.5 Money lent	3 122 378	204 113	189 533	260 748	2 894 197	189 502	173 108	189 502	173 108	248 206	248 206	248 206
1.6 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	644 284	52 141	43 106	42 805	570 056	42 983	37 172	42 983	37 172	37 969	37 969	37 969
1.7 Other	1 990 684	119 675	103 027	100 467	1 436 721	96 595	83 905	96 595	83 905	72 669	72 669	72 669

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

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

Source: Department of Justice