



Statistics of civil cases for debt

January 2002

Co-operation between Statistics South Africa (Stats SA), the citizens of the country, the private sector and government institutions is essential for a successful statistical system. Without continued co-operation and goodwill, the timely release of relevant and reliable official statistics will not be possible.

Embargo: 09:30
Date: 28 March 2002

Stats SA publishes approximately three hundred different 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.

Key figures for the month ended January 2002

Actual estimates	January 2002	% change between January 2001 and January 2002	% change between November 2000 to January 2001 and November 2001 to January 2002
Number of civil summonses issued for debt	125 135	+8,3	+2,0
Number of civil judgements recorded for debt	72 960	-9,0	+9,6
Value of civil judgements recorded for debt (R million)	732,4	-1,0	+29,2

Seasonally adjusted estimates

	January 2002	% change between December 2001 and January 2002	% change between August 2001 to October 2001 and November 2001 to January 2002
Number of civil summonses issued for debt	140 823	+7,0	+7,0
Number of civil judgements recorded for debt	91 437	+2,9	+8,4
Value of civil judgements recorded for debt (R million)	833,5	-4,6	+18,3

Key findings as at the end of January 2002

The total number of civil summonses for debt increases

The total number of civil summonses issued for debt for the three months ended January 2002, after seasonal adjustment, increased by 7,0% compared with the previous three months. Furthermore, the total number of civil summonses issued for debt for the three months ended January 2002 increased by 2,0% compared with the three months ended January 2001.

The major contributors to the increase of 2,0% in civil summonses issued for debt for the three months ended January 2002 compared with the three months ended January 2001 were civil summonses issued in respect of money lent (+6,0 percentage points), instalment sale transactions (+0,7 of a percentage point) and rent (+0,6 of a percentage point). However, these increases were partially counteracted by a decrease in summonses issued for debt relating to 'other' services (-5,2 percentage points).

The total number of civil judgements recorded for debt increases

The total number of civil judgements recorded for debt for the three months ended January 2002, after seasonal adjustment, increased by 8,4% compared with the previous three months. Furthermore, the total number of civil judgements recorded for debt for three months ended January 2002 increased by 9,6% compared with the three months ended January 2001.

The major contributors to the increase of 9,6% in the number of civil judgements recorded for debt for the three months ended January 2002 compared with three months ended January 2001 were civil judgements recorded in respect of money lent (+6,6 percentage points), 'other' services (+4,0 percentage points) and rent (+2,1 percentage points). However, these increases were partially counteracted by decreases in civil judgements relating to 'other' debts (-4,5 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 January 2002, after seasonal adjustment, increased by 18,3% compared with the previous three months. Furthermore, the total value of civil judgements recorded for debt for the three months ended January 2002 increased by 29,2% compared with the three months ended January 2001.

The major contributors to the increase of 29,2% in the value of civil judgements recorded for debt for the three months ended January 2002 compared with the three months ended January 2001 were civil judgements recorded in respect of goods sold on account (+14,2 percentage points), 'other' services (+8,8 percentage points) and money lent (+7,0 percentage points).

During January 2002, 72 960 civil judgements for debt amounted to R732,4 million. The largest contributors to the R732,4 million were civil judgements relating to money lent (23,9% or R175,0 million) and goods sold on account (21,1% or R154,2 million).

Notes

Forthcoming issues

Issue

Expected release date

January 2002	28 March 2002
February 2002	25 April 2002
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 January 2002
November 2002	15 January 2002
January 2002	19 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). 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.

Contents

Editorial		Page
	Notes	4
Tables		
Table 1	Number of civil cases recorded and summonses issued for debt according to business enterprises and private persons	6
Table 2	Number of civil cases recorded in selected magistrates' offices	7
Table 3	Number of civil default and consent judgements for debt according to business enterprises and private persons	8
Table 4	Value of civil default and consent judgements for debt according to business enterprises and private persons	9
Table 5	Number of small claims courts, litigants referred, summonses issued and hearings: 1990 to 1999.....	10
Additional information		
	Explanatory notes	11
	Technical notes	12
	Glossary	13
For more information		15

P0041

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	2001	2001		2002
		Jan.	Dec.			Jan.	Dec.	
1. Cases recorded								
1.1 Actual figures	1 816 690	136 032	122 060	138 234	1 658 873	123 886	113 491	126 905
1.2 Seasonally adjusted		156 748	160 456	158 484		141 803	147 450	144 395
2. Civil summonses for debt								
2.1 Goods sold								
2.1.1 Open account	247 748	16 926	12 902	16 702	220 950	15 300	11 466	14 978
2.1.2 Instalment sale transactions	45 509	2 982	3 235	3 501	41 097	2 690	3 022	3 242
2.2 Services								
2.2.1 Professional	169 318	12 495	10 829	12 951	161 761	11 980	10 384	12 408
2.2.2 Other	322 825	27 804	19 036	23 775	301 561	26 108	17 801	22 489
2.3 Rent	82 081	5 147	4 524	5 840	65 415	4 057	3 671	4 712
2.4 Money lent	354 061	24 987	23 326	34 656	337 946	24 127	22 495	33 322
2.5 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	111 611	8 024	7 197	8 401	96 395	7 058	6 598	7 219
2.6 Other	233 459	17 166	16 608	19 309	209 008	15 814	14 782	16 534
2.7 Total								
2.7.1 Actual figures	1 566 612	115 531	97 657	125 135	1 434 134	107 134	90 219	114 905
2.7.2 Seasonally adjusted		130 611	131 663	140 823		119 764	121 323	127 689

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
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	129 137	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	10 443	2 182	1 722	3 082	10 130	8 720	7 559	3 270	15 285	2 922	2 709
N	15 508	10 443	2 225	1 722	3 315	11 873	8 720	7 007	5 306	27 118	2 894	6 617
D	11 953	10 443	1 155	1 657	1 749	7 123	6 261	5 965	2 300	18 583	2 041	7 961
2002 - J	12 399	10 443	1 684	1 657	2 947	6 618	10 413	5 931	3 111	13 571	1 503	7 961

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	2001	2001		2002
		Jan.	Dec.			Jan.	Jan.	
Number								
1. Judgements								
1.1 Goods sold								
1.1.1 Open account	132 972	10 411	9 097	11 582	121 828	9 026	8 410	10 854
1.1.2 Instalment sale transactions	19 308	1 324	1 490	1 152	17 123	1 163	1 284	1 065
1.2 Services								
1.2.1 Professional	97 124	7 307	7 240	6 479	93 396	6 910	6 822	6 213
1.2.2 Other	177 203	13 421	13 412	14 516	168 676	11 671	12 930	14 104
1.3 Rent	46 510	3 069	4 784	3 855	38 454	2 489	4 207	3 407
1.4 Money lent	310 591	23 342	24 108	22 179	303 403	22 131	23 739	21 887
1.5 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	85 165	7 617	6 807	3 282	78 706	6 508	6 485	3 098
1.6 Other	151 951	13 707	10 208	9 915	141 637	12 040	9 483	9 416
1.7 Total								
1.7.1 Actual figures	1 020 824	80 198	77 145	72 960	963 223	71 939	73 359	70 045
1.7.2 Seasonally adjusted		99 929	88 860	91 436		90 046	84 627	88 240

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	2001	2002	2001	2001	2001	2002
		Jan.	Dec.	Jan.		Jan.	Dec.	Jan.
	R1 000							
1. Judgements								
1.1 Goods sold								
1.1.1 Open account	1 025 214	48 295	143 290	154 178	847 506	36 228	131 675	142 230
1.1.2 Instalment sale transactions	353 805	25 132	23 612	25 320	286 167	18 710	19 829	22 369
1.2 Services								
1.2.1 Professional	206 312	11 087	11 797	12 736	188 116	10 121	10 537	11 801
1.2.2 Other	806 588	84 997	128 836	138 636	729 297	76 929	123 707	130 946
1.3 Rent	346 755	23 124	34 218	25 951	247 924	15 092	27 608	21 540
1.4 Money lent	2 958 151	194 215	202 826	174 985	2 746 384	179 744	194 608	163 012
1.5 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	760 195	60 755	71 353	82 537	623 897	42 979	63 483	73 267
1.6 Other	2 728 211	291 860	122 136	118 084	2 078 523	195 083	68 239	70 806
1.7 Total								
1.7.1 Actual figures	9 185 224	739 464	738 069	732 427	7 747 820	574 886	639 687	635 970
1.7.2 Seasonally adjusted		841 528	873 984	833 509		636 812	768 522	702 441

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 January 1995. A comparison with the period prior to January 1995 must thus be handled with circumspection.

Statistical unit	<p>9 The statistical unit for collection of information is a magistrate's office. Magistrate's offices include the small claims courts.</p> <p>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.</p>
Survey methodology and design	<p>6 The survey is conducted by mail each month from approximately 152 magistrates' offices.</p>
Seasonal adjustment	<p>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.</p>
Trend cycle	<p>13 Smoothed seasonally adjusted estimates are generated using the X-11 Seasonal Adjustment Programme.</p>
Publications	<p>14 Users may also wish to refer to the following publications:</p> <ul style="list-style-type: none"> • Bulletin of Statistics issued quarterly. • SA Statistics issued annually.
Unpublished statistics	<p>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.</p>
Symbols and abbreviations	<p>16 R/D Refer to Drawer CD Compact Disc Stats SA Statistics South Africa TBVC Transkei, Bophuthatswana, Venda, Ciskei.</p>
Technical notes	
Response rates	<p>The response rate for January was 94%</p>

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.

Stats SA has copyright on this publication. Users may apply the information as they wish, provided that they acknowledge Stats SA as the source of the basic data wherever they process, apply, utilise, publish or distribute the data: and also that they specify that the relevant application and analysis (where applicable) result from their own processing of the data.

Stats SA products

A complete set of Stats SA publications is available at the Stats SA Library and the following libraries:

National Library of South Africa, Pretoria
Library of Parliament, Cape Town
National Library of South Africa, Cape Town Division
Bloemfontein Public Library
Natal Society Library, Pietermaritzburg
Johannesburg Public Library

Stats SA also provides a subscription service.

Electronic services

A large range of data are available via on-line services, diskette, CD and computer printouts. For more details about our electronic data services, contact (012) 310 8095.

You can visit us on the Internet at: <http://www.statssa.gov.za>

Enquiries

Telephone number: (012) 310 8095/8390/8351 (user enquiries)
(012) 310 8220 (technical enquiries)
(012) 310 8161 (publications)
(012) 310 8490 (library)

Fax number: (012) 310 8332

e-mail: CorrieB@statssa.pwv.gov.za
DeidreN@statssa.pwv.gov.za

Postal address: Private Bag X44, Pretoria, 0001