

P0041

Statistics of civil cases for debt

January 2003

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Key figures for the month ended January 2003

Actual estimates

	January 2003	% change between January 2002 and January 2003	% change between November 2001 to January 2002 and November 2002 to January 2003
Number of civil summonses issued for debt	116 882	-5,3	+3,0
Number of civil judgements recorded for debt	72 924	+16,8	+4,5
Value of civil judgements recorded for debt (R million)	453,1	-22,7	-29,4

Seasonally adjusted estimates

	January 2003	% change between December 2002 and January 2003	% change between August 2002 to October 2002 and November 2002 to January 2003
Number of civil summonses issued for debt	132 179	-4,5	+1,8
Number of civil judgements recorded for debt	90 293	+8,1	-1,6
Value of civil judgements recorded for debt (R million)	531,3	-5,7	-4,8

Key findings as at the end of January 2003

The total number of civil summonses for debt increases

The total number of civil summonses issued for debt for the three months ended January 2003, after seasonal adjustment, increased by 1,8% compared with the previous three months. Furthermore, the total number of civil summonses issued for debt for the three months ended January 2003, increased by 3,0% compared with the three months ended January 2002.

The major contributors to the increase of 3,0% in civil summonses issued for debt for the three months ended January 2003 compared with the three months ended January 2002 were civil summonses issued in respect of money lent (+4,2 percentage points), promissory notes (+1,0 percentage point) and 'other' debts (+0,9 of a percentage point). However, this increase was partially counteracted by a decrease in summonses issued for debt relating to 'other' services (-3,5 percentage points).

The total number of civil judgements recorded for debt decreases

The total number of civil judgements recorded for debt for the three months ended January 2003, after seasonal adjustment, decreased by 1,6% compared with the previous three months. However, the total number of civil judgements recorded for debt for the three months ended January 2003 increased by 4,5% compared with the three months ended January 2002.

The major contributors to the increase of 4,5% in the number of civil judgements recorded for debt for the three months ended January 2003 compared with the three months ended January 2002 were civil judgements recorded in respect of money lent (+6,0 percentage points) and 'other' services (+3,5 percentage points). However, this increase was partially counteracted by a decrease in judgements recorded for debt relating to professional services (-4,4 percentage points), rent (-1,4 percentage points) and goods sold on account (-1,0 percentage point).

The total value of civil judgements recorded for debt decreases

The total value of civil judgements recorded for debt for the three months ended January 2003, after seasonal adjustment, decreased by 4,8% compared with the previous three months. Furthermore, the total value of civil judgements recorded for debt for the three months ended January 2003 decreased by 29,4% compared with the three months ended January 2002.

The major contributors to the decrease of 29,4% in the value of civil judgements recorded for debt for the three months ended January 2003 compared with the three months ended January 2002 were civil judgements recorded in respect of 'other' services (-7,4 percentage points), goods sold on account (-6,9 percentage points), 'other' debts (-5,9 percentage points) and promissory notes (-4,9 percentage points).

During January 2003, 72 924 civil judgements for debt amounted to R453,1 million. The largest contributors to the R453,1 million were civil judgements relating to money lent (38,8% or R175,8 million) and 'other' debts (22,9% or R103,7 million).

Notes

Forthcoming issues	Issue	Expected release date
	February 2003	24 April 2003
	March 2003	22 May 2003
	April 2003	26 June 2003
	May 2003	24 July 2003
	June 2003	21 August 2003
	July 2003	25 September 2003
	August 2003	23 October 2003
	September 2003	20 November 2003
	October 2003	18 December 2003
	November 2003	22 January 2004
	December 2003	19 February 2004

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 surveys collect 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**
- 11 The survey is conducted by mail each month from approximately 152 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.

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 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 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			
	2002	2002	2002	2003	2002	2002	2002	2003
		Jan.	Dec.	Jan.		Jan.	Dec.	Jan.
Number								
1. Cases recorded								
1.1 Actual figures	1 767 959	133 207	118 047	131 469	1 621 357	121 864	108 938	121 622
1.2 Seasonally adjusted		151 690	154 500	149 109		138 243	141 381	137 349
2. Civil summonses for debt								
2.1 Goods sold								
2.1.1 Open account	223 823	16 778	15 107	16 939	199 020	15 066	13 343	14 823
2.1.2 Instalment sale transactions	49 300	3 464	3 204	3 285	44 575	3 203	2 912	2 925
2.2 Services								
2.2.1 Professional	160 982	12 447	9 733	14 031	153 219	11 925	9 351	13 454
2.2.2 Other	279 103	24 244	13 934	18 825	261 486	22 919	12 671	17 116
2.3 Rent	82 478	6 177	5 439	5 470	67 584	5 024	4 785	4 561
2.4 Money lent	424 566	33 756	28 638	33 128	408 510	32 455	27 756	31 934
2.5 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	120 052	8 347	8 300	9 412	108 626	7 167	7 862	8 846
2.6 Other	238 490	18 199	16 392	15 792	208 721	15 476	13 923	14 212
2.7 Total								
2.7.1 Actual figures	1 578 794	123 412	100 747	116 883	1 451 740	113 235	92 603	107 872
2.7.2 Seasonally adjusted		139 763	138 383	132 180		126 617	127 200	120 296

Table 2 - Number of civil cases recorded in selected magistrates' offices

Year or month	Cape Peninsula	Port Elizabeth	East-London	Kimberley	Pieter-maritzburg	Durban	Johannesburg	East Rand	West Rand	Pretoria	Vereeniging and Vanderbijlpark	Bloemfontein
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
2002	200 806	98 361	32 159	20 667	39 642	135 995	150 355	74 363	42 837	162 978	29 548	42 588
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	10 065	1 899	769	3 301	13 463	10 413	6 028	3 003	12 691	1 858	2 939
M	15 356	9 855	2 118	3 325	3 393	9 628	11 519	5 847	3 371	12 756	1 751	3 640
A	20 988	9 796	3 344	3 325	3 624	13 563	16 691	5 208	3 013	14 853	3 492	3 726
M	20 483	9 796	2 664	943	4 174	12 811	14 247	5 682	3 144	13 848	3 142	3 751
J	14 132	6 109	2 386	943	3 340	10 140	10 951	6 295	3 116	12 321	2 187	3 947
J	17 194	8 335	2 747	990	4 818	9 948	13 946	6 850	4 010	12 357	4 442	4 297
A	14 614	7 400	2 926	990	2 900	10 487	11 742	6 044	3 351	14 219	2 552	4 266
S	17 873	6 999	3 184	990	2 724	10 283	13 822	5 584	3 480	11 698	1 984	4 417
O	19 587	10 551	3 184	990	3 579	13 578	13 822	6 869	4 539	18 602	2 241	2 810
N	22 178	5 970	3 466	990	2 501	16 979	13 822	7 732	4 881	15 955	2 880	3 005
D	13 846	4 090	2 557	4 755	2 341	8 497	8 967	6 293	3 818	10 107	1 516	3 163
2003 - J	14 177	7 468	2 485	4 755	2 845	8 389	8 967	4 122	5 078	14 363	1 908	4 578

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			
	2002	2002	2002	2003	2002	2002	2002	2003
		Jan.	Dec.	Jan.		Jan.	Dec.	Jan.
1. Judgements								
1.1 Goods sold								
1.1.1 Open account	126 662	10 254	8 736	8 771	117 286	9 571	8 135	8 021
1.1.2 Instalment sale transactions	19 199	1 162	1 249	1 631	17 504	1 077	1 158	1 499
1.2 Services								
1.2.1 Professional	87 479	8 808	6 367	7 084	84 712	8 632	6 184	6 793
1.2.2 Other	141 970	7 245	13 433	8 883	134 419	6 808	12 955	8 232
1.3 Rent	40 910	2 714	2 587	2 690	33 335	2 392	2 225	2 319
1.4 Money lent	353 547	20 698	24 470	26 778	342 113	20 392	24 073	26 105
1.5 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	89 666	3 621	4 668	5 929	84 317	3 441	4 516	5 741
1.6 Other	115 444	7 949	9 371	11 158	107 650	7 513	8 943	10 562
1.7 Total								
1.7.1 Actual figures	974 877	62 451	70 881	72 924	921 339	59 827	68 190	69 273
1.7.2 Seasonally adjusted		78 113	84 217	90 767		75 457	81 885	86 941

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			
	2002	2002	2002	2003	2002	2002	2002	2003
		Jan.	Dec.	Jan.		Jan.	Dec.	Jan.
R1 000								
1. Judgements								
1.1 Goods sold								
1.1.1 Open account	700 647	52 789	40 161	43 430	566 092	41 714	32 486	34 023
1.1.2 Instalment sale transactions	372 769	24 630	20 477	18 920	319 937	21 754	16 054	15 889
1.2 Services								
1.2.1 Professional	198 585	17 976	13 659	15 164	179 003	17 156	11 893	13 251
1.2.2 Other	704 756	121 609	42 887	34 996	634 786	114 391	39 579	30 920
1.3 Rent	285 874	19 738	20 516	17 673	200 265	15 358	16 332	13 329
1.4 Money lent	2 914 266	164 029	249 671	175 822	2 716 066	152 242	198 679	161 930
1.5 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	629 406	83 606	37 535	43 468	515 451	74 385	34 428	37 844
1.6 Other	1 663 852	101 842	86 395	103 659	1 170 755	55 368	78 081	73 680
1.7 Total								
1.7.1 Actual figures	7 470 155	586 219	511 301	453 132	6 302 353	492 367	427 532	380 865
1.7.2 Seasonally adjusted		684 513	563 361	531 345		583 279	478 302	453 815

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