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Statistics of civil cases for debt

July 1999

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CIVIL SUMMONSES FOR DEBT HIGHER THAN A YEAR AGO

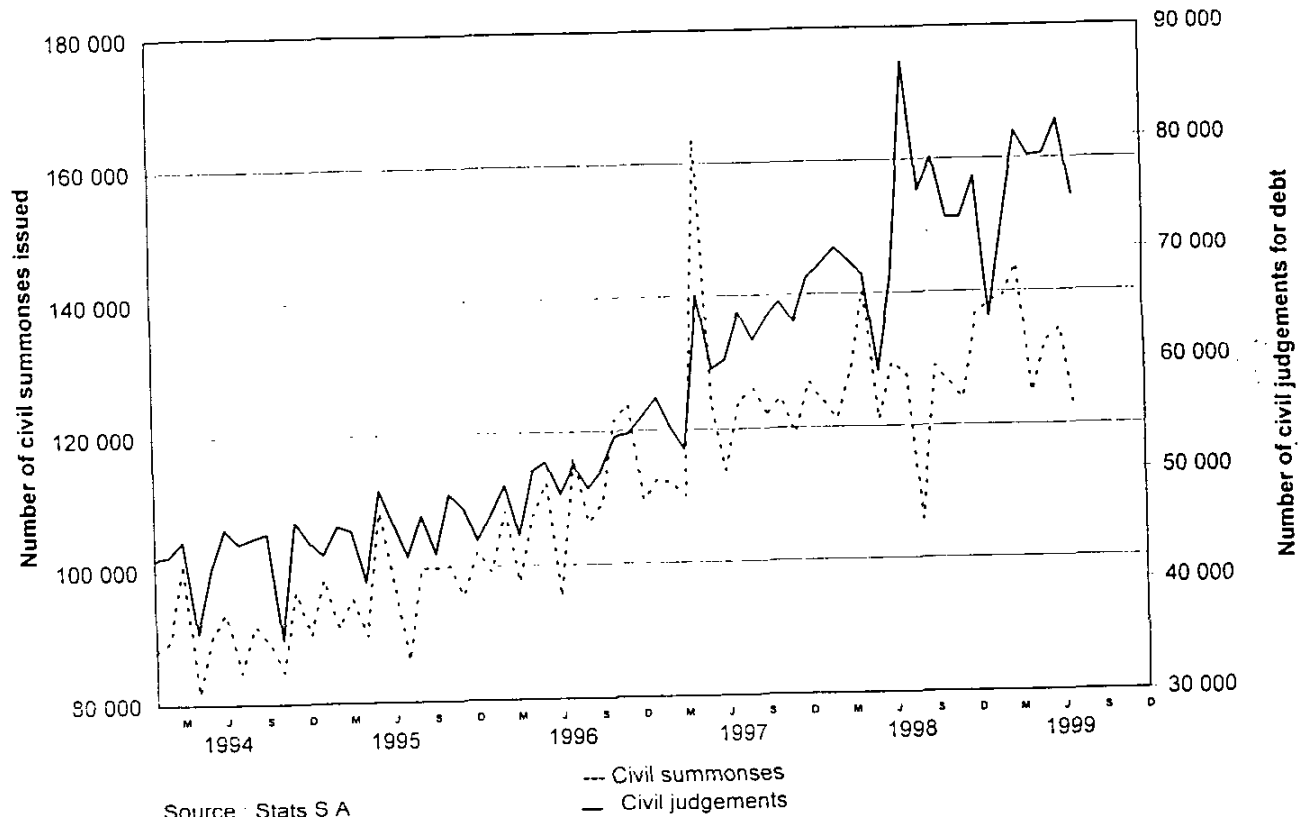
The total number of civil summonses for debt recorded for the three months up to July 1999 increased by 2,8% (from 404 101 to 415 612) compared with the corresponding period of 1998. However, the total number of civil summonses for debt recorded for the three months up to July 1999, after seasonal adjustment, is 4,7% lower than the previous three months.


The total number of civil judgements for debt recorded for the three months up to July 1999 increased by 9,5% from 221 389 to 242 412 compared with the same period of 1998. Furthermore, the total number of civil judgements for debt recorded for the three months up to July 1999, after seasonal adjustment, is 1,6% higher than the preceding three months.

The increase of 2,8% in civil summonses for debt was mainly due to more civil summonses issued regarding money lent (+8,7%), goods sold on open account (+4,1%) and professional services (+3,7%). Of the total summonses issued during July 1999, 25,4% or 33 564 was for civil summonses relating to "other services" and 19,2% or 25 339 was in respect of money lent.

During July 1999, 80 627 civil judgements for debt were issued amounting to R644,3 million. The largest contributors to the R644,3 million were civil judgements relating to money lent (38,5% or R248,1 million), followed by civil judgements in respect of promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt (12,4% or R79,9 million) and goods sold on open account (8,8% or R56,6 million).

Figure 1 - Civil summonses and judgements for debt



pp 
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:				
May 1999 - Jul. 1999	415 612	242 412	+2,8	+9,5
May 1998 - Jul. 1998	404 101	221 389		
Seasonally adjusted figures:				
May 1999 - Jul. 1999	388 991	234 387	-4,7	+1,6
Feb. 1999 - Apr. 1999	408 034	230 799		

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 1 - NUMBER OF CIVIL CASES RECORDED AND SUMMONSES FOR DEBT ISSUED

Item	Business enterprises and private persons						Private persons					
	1999		1998		1998		1999		1999		1998	
	Jul.	Jun.	Jul.	Jun.	Jul.	Jun.	Jul.	Jun.	Jul.	Jun.	Jul.	Jun.
	Number											
1. Cases recorded	1 619 083	142 789	156 293	148 313	1 473 808	131 067	143 835	134 680				
1.1 Actual figures		132 415	146 640	137 470		121 953	135 510	125 198				
1.2 Seasonally adjusted												
2. Civil summonses for debt	1 508 999	131 917	144 895	137 694	1 375 287	121 361	134 439	125 445				
2.1 Total		122 211	134 403	127 697		112 670	125 311	116 417				
2.1.1 Actual figures												
2.1.2 Seasonally adjusted												
2.2 Goods sold	234 857	20 665	22 602	22 429	206 154	18 738	20 575	19 567				
2.2.1 Open account		36 053	3 423	3 421	31 639	3 054	3 090	3 063				
2.2.2 Instalment sale transactions												
2.3 Services	175 855	16 264	15 857	16 659	163 941	15 004	14 588	15 551				
2.3.1 Professional		424 975	33 564	43 085	30 149	31 781	41 047	27 481				
2.3.2 Other												
2.4 Rent	63 796	4 998	5 422	5 848	50 891	4 111	4 348	4 636				
2.5 Money lent	261 162	25 339	27 840	27 597	244 867	24 128	26 677	26 079				
2.6 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	107 581	9 044	10 481	9 805	96 912	8 207	9 701	8 907				
2.7 Other	204 720	18 620	16 125	21 786	186 698	16 338	14 413	20 161				

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	8 841	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	2 644	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/	13 064	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
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

TABLE 3 - CIVIL DEFAULT AND CONSENT JUDGEMENTS FOR DEBT

Item	Business enterprises and private persons						Private persons						
	1999		1999		1998		1999		1999		1998		
	Jul.	Jun.	Jul.	Jun.	Jul.	Jun.	Jul.	Jun.	Jul.	Jun.	Jul.	Jun.	
	Number												
1. Judgements													
1.1 Total	864 554	80 627	79 258	93 435	812 495	75 982	74 679	89 584	864 554	80 627	79 258	93 435	812 495
1.1.1 Actual figures	74 631	81 398	86 841			69 569	76 887	82 444	74 631	81 398	86 841		
1.1.1.2 Seasonally adjusted													
1.2 Goods sold	133 896	13 555	13 030	12 238	120 892	12 374	11 866	11 138	133 896	13 555	13 030	12 238	120 892
1.2.1 Open account	16 170	1 661	1 760	1 273	14 675	1 522	1 580	1 167	16 170	1 661	1 760	1 273	14 675
1.2.2 Instalment sale transactions													
1.3 Services	97 052	10 295	8 010	8 920	94 501	9 868	7 666	8 769	97 052	10 295	8 010	8 920	94 501
1.3.1 Professional	199 715	14 063	17 792	34 498	187 261	13 287	16 949	33 630	199 715	14 063	17 792	34 498	187 261
1.3.2 Other													
1.4 Rent	32 484	2 721	3 040	2 702	24 858	2 293	2 569	2 422	32 484	2 721	3 040	2 702	24 858
1.5 Money lent	185 153	18 622	18 917	16 190	182 020	18 302	18 595	15 916	185 153	18 622	18 917	16 190	182 020
1.6 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	65 086	7 300	5 360	6 371	60 786	6 833	4 938	5 958	65 086	7 300	5 360	6 371	60 786
1.7 Other	134 998	12 410	11 349	11 243	127 502	11 503	10 516	10 584	134 998	12 410	11 349	11 243	127 502
	R1 000												
1. Judgements													
1.1 Total	6 388 098	644 281	838 383	532 036	5 475 146	532 372	676 793	430 949	6 388 098	644 281	838 383	532 036	5 475 146
1.2 Goods sold	547 637	56 564	52 852	45 291	366 703	39 214	35 829	29 555	547 637	56 564	52 852	45 291	366 703
1.2.1 Open account	322 633	36 252	38 213	28 790	281 936	31 319	28 204	24 976	322 633	36 252	38 213	28 790	281 936
1.2.2 Instalment sale transactions													
1.3 Services	169 718	22 053	21 042	14 598	151 378	19 418	18 113	13 165	169 718	22 053	21 042	14 598	151 378
1.3.1 Professional	494 851	41 021	63 902	53 410	418 555	34 947	50 798	45 773	494 851	41 021	63 902	53 410	418 555
1.3.2 Other													
1.4 Rent	224 191	24 310	28 976	23 328	165 551	15 124	21 010	17 826	224 191	24 310	28 976	23 328	165 551
1.5 Money lent	2 413 180	248 092	276 994	206 115	2 255 045	227 934	238 706	191 515	2 413 180	248 092	276 994	206 115	2 255 045
1.6 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	638 841	79 880	48 051	42 993	553 328	68 518	41 176	33 698	638 841	79 880	48 051	42 993	553 328
1.7 Other	1 577 047	136 109	308 353	117 511	1 282 650	95 898	242 957	74 441	1 577 047	136 109	308 353	117 511	1 282 650

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 - 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

Source: Department of Justice