

P0041

Statistics of civil cases for debt

July 2001

Embargo: 11:00

Date: 27 September 2001

Key figures for the month ended July 2001

Actual estimates

	July 2001	% change between July 2000 and July 2001	% change between May 2000 to July 2000 and May 2001 to July 2001	% change between January 2000 to July 2000 and January 2001 to July 2001
Number of civil summonses issued for debt	138 905	+0,5	-1,6	+1,6
Number of civil judgements recorded for debt	98 900	+11,1	+0,7	+1,3
Value of civil judgements recorded for debt (R million)	812,7	+34,5	+25,5	+31,1

Seasonally adjusted estimates

	July 2001	% change between June 2001 and July 2001	% change between February 2001 to April 2001 and May 2001 to July 2001
Number of civil summonses issued for debt	133 756	+4,6	-0,1
Number of civil judgements recorded for debt	91 740	+6,8	+7,8
Value of civil judgements recorded for debt (R million)	779,3	+13,7	-0,9

Key findings for the month ended July 2001

The total number of civil summonses issued for debt decreases slightly

The total number of civil summonses issued for debt for the three months ended July 2001, after seasonal adjustment, decreased slightly by 0,1% compared with the previous three months. Furthermore, the total number of civil summonses issued for debt for the three months ended July 2001 decreased by 1,6% compared with the three months ended July 2000. However, the total number of civil summonses issued for debt for the first seven months of 2001 increased by 1,6% compared with the first seven months of 2000.

The major contributor to the decrease of 1,6% in civil summonses issued for debt for the three months ended July 2001 compared with the three months ended July 2000, was civil summonses issued in respect of 'other' services (-3,5 percentage points). This decrease was counteracted by an increase in 'other' debts (+2,3 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 July 2001, after seasonal adjustment, increased by 7,8% compared with the previous three months. Furthermore, the total number of civil judgements recorded for debt for the three months ended July 2001 increased by 0,7% compared with the three months ended July 2000. The total number of civil judgements recorded for debt for the first seven months of 2001 increased by 1,3% compared with the first seven months of 2000.

The major contributor to the increase of 0,7% in the number of civil judgements recorded for debt for the three months ended July 2001 compared with three months ended July 2000 were civil judgements recorded in respect of money lent (+3,2 percentage points). However, this increase was counteracted by decreases in the number of judgements recorded for debt relating to 'other' services (-1,5 percentage points) and goods sold on account (-0,9 of a 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 July 2001, after seasonal adjustment, decreased by 0,9% compared with the previous three months. However, the total value of civil judgements recorded for debt for the three months ended July 2001 increased by 25,5% compared with the three months ended July 2000. Furthermore, the total value of civil judgements recorded for debt for the first seven months of 2001 increased by 31,1% compared with the first seven months of 2000.

The major contributors to the increase of 25,5% in the value of civil judgements recorded for debt for the three months ended July 2001 compared with the three months ended July 2000 was civil judgements recorded in respect of 'other' debts (+17,5 percentage points), money lent (+3,4 percentage points), goods sold on account (+2,6 percentage points), 'other services' (+1,8 percentage points) and professional services (+1,1 percentage points). However, these increases were counteracted by decreases in the number of judgements recorded for debt relating to promissory notes (-0,7 of a percentage point) and rent (-0,3 of a percentage point).

During July 2001, 98 900 civil judgements for debt amounted to R812,7 million. The largest contributors to the R812,7 million were civil judgements relating to money lent (34,7% or R282,2 million) and 'other' debts (25,0% or R203,0 million).

Notes

Forthcoming issues

Issue	Expected release date
August 2001	15 October 2001
September 2001	22 November 2001
October 2001	20 December 2001
November 2001	24 January 2002
December 2001	21 March 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.

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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

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** **6** The survey is conducted by mail each month from approximately 152 magistrates' offices.
- Seasonal adjustment** **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.
- Trend cycle** **13** Smoothed seasonally adjusted estimates are generated using the X-11 Seasonal Adjustment Programme.
- Publications** **14** Users July also wish to refer to the following publications:
- Bulletin of Statistics issued quarterly.
 - SA Statistics issued annually.
- Unpublished statistics** **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.
- Symbols and abbreviations** **16** R/D Refer to Drawer
CD Compact Disc
Stats SA Statistics South Africa
TBVC Transkei, Bophuthatswana, Venda, Ciskei.
- Technical notes**
- Response rates** The response rate for July was 89,0%

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 buy more goods and increase his payments before the account is paid off.
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. Refer to drawer RD cheques refer to dishonoured cheques. The drawer is the owner of the cheque.
(RD) cheques	When a person issues a cheque and there is no money in the cheque account, the bank may refuse to pay the bearer. The cheque will then be referred back to the drawer.
Small claims courts	Small claims courts refer to courts where members of the public may bring claims not exceeding R3 000. 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 regarding business enterprises and private persons

Item	Business enterprises and private persons				Private persons			
	2000	2000	2001	2001	2000	2000	2001	2001
		Jul.	Jun.	Jul.		Jul.	Jun.	Jul.
1. Cases recorded								
1.1 Actual figures	1 760 348	150 334	153 190	151 369	1 586 605	135 175	141 124	137 221
1.2 Seasonally adjusted		146 419	144 745	149 070		132 195	133 132	135 446
2. Civil summonses for debt								
2.1 Goods sold								
2.1.1 Open account	256 571	25 206	21 853	22 124	228 045	22 535	19 596	19 835
2.1.2 Instalment sale transactions	38 918	3 679	3 863	3 349	32 674	2 948	3 497	2 979
2.2 Services								
2.2.1 Professional	181 817	16 139	15 250	14 559	167 564	14 537	14 655	13 886
2.2.2 Other	389 839	31 785	27 720	30 254	361 550	29 198	26 281	28 151
2.3 Rent	67 099	5 506	7 246	6 266	52 761	4 555	5 806	4 842
2.4 Money lent	317 792	29 565	29 997	30 382	297 042	27 693	28 787	29 064
2.5 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	106 226	9 728	9 890	9 460	92 352	8 540	8 379	7 867
2.6 Other	220 187	16 669	21 011	22 511	194 931	14 080	19 134	20 662
2.7 Total								
2.7.1 Actual figures	1 578 449	138 277	136 830	138 905	1 426 912	124 086	126 133	127 286
2.7.2 Seasonally adjusted		131 972	127 914	133 756		118 733	117 248	122 657

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

Year or month	Cape Peninsula	Port Elizabeth	East-London	Kimberley	Pieter-maritzburg	Durban	Johannes-burg	East Rand	West Rand	Pretoria	Vereeniging and Vander-bijlpark	Bloem-fontein
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
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
2000 - J	10 668	11 056	5 408	1 161	2 093	7 620	9 349	7 528	3 221	8 083	4 678	2 417
F	18 081	10 629	3 529	1 840	3 453	12 037	9 665	6 721	3 844	18 499	5 302	3 361
M	21 376	9 636	5 075	1 957	3 244	9 826	12 368	7 719	4 694	10 326	4 610	3 246
A	18 080	4 931	2 405	1 221	2 453	8 514	7 207	6 803	3 206	8 614	2 581	1 230
M	21 903	10 615	1 787	1 657	2 763	9 729	9 615	7 109	5 149	21 124	3 702	2 374
J	17 375	7 860	2 066	1 370	2 620	13 017	12 529	8 040	3 957	10 779	2 906	3 497
J	16 251	9 682	4 937	1 204	3 594	9 352	9 998	8 252	3 664	9 205	3 668	2 705
A	21 516	10 103	2 555	1 225	4 020	10 400	8 852	8 347	3 837	7 609	2 558	2 778
S	16 811	11 157	2 099	1 039	2 725	8 862	8 419	6 946	3 129	10 055	4 072	2 876
O	18 226	11 678	1 894	1 842	2 417	9 857	8 419	9 843	3 673	10 870	3 362	3 516
N	21 303	14 388	2 876	1 516	4 026	9 305	10 352	9 972	3 212	11 268	3 799	3 096
D	14 891	5 228	2 348	1 442	2 489	7 043	7 216	7 067	2 694	7 599	3 307	2 485
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	8 683	3 379	16 437	2 727	1 722
A	19 119	13 057	1 708	1 842	3 300	9 504	11 320	6 796	3 220	13 222	2 261	2 636
M	21 742	12 519	3 606	1 370	4 370	9 582	11 733	8 838	4 194	19 208	2 754	2 672
J	18 385	10 095	2 367	1 657	4 646	9 000	10 826	8 866	4 067	15 049	2 277	920
J	16 644	12 649	2 139	1 657	3 721	7 614	9 282	7 770	3 405	13 749	5 577	2 763

Table 3 - Number of civil default and consent judgements for debt regarding business enterprises and private persons

Item	Business enterprises and private persons				Private persons			
	2000	2000	2001	2001	2000	2000	2001	2001
		Jul.	Jun.	Jul.		Jul.	Jun.	Jul.
1. Judgements								
1.1 Goods sold								
1.1.1 Open account	144 343	13 997	12 307	13 162	133 518	13 023	11 389	12 303
1.1.2 Instalment sale transactions	18 244	1 715	2 322	1 970	16 238	1 609	2 155	1 828
1.2 Services								
1.2.1 Professional	98 214	9 466	7 867	9 546	95 094	9 128	7 796	9 343
1.2.2 Other	175 766	13 903	14 301	15 201	167 692	13 297	13 769	14 658
1.3 Rent	39 547	4 604	3 197	4 814	31 904	3 702	2 770	4 173
1.4 Money lent	256 609	24 533	27 103	28 304	250 085	24 174	26 624	27 848
1.5 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	82 899	8 023	7 714	10 799	78 798	7 639	6 988	9 896
1.6 Other	154 024	12 744	12 205	15 104	144 412	12 065	11 545	14 372
1.7 Total								
1.7.1 Actual figures	969 646	88 985	87 016	98 900	917 745	84 637	83 037	94 420
1.7.2 Seasonally adjusted		82 164	85 877	91 740		77 907	81 958	87 402

Table 4 - Value of civil default and consent judgements for debt regarding business enterprises and private persons

Item	Business enterprises and private persons				Private persons			
	2000	2000	2001	2001	2000	2000	2001	2001
		Jul.	Jun.	Jul.		Jul.	Jun.	Jul.
	1 000							
1. Judgements								
1.1 Goods sold								
1.1.1 Open account	741 285	81 257	71 690	89 940	574 764	65 672	55 568	74 581
1.1.2 Instalment sale transactions	357 335	35 077	30 080	43 061	303 949	29 380	23 084	38 702
1.2 Services								
1.2.1 Professional	184 612	20 900	18 741	22 628	166 067	18 342	17 245	20 370
1.2.2 Other	593 344	44 546	55 557	75 515	529 045	38 774	49 583	69 168
1.3 Rent	308 849	35 712	28 680	37 588	214 729	21 964	21 539	25 166
1.4 Money lent	2 721 283	225 065	232 156	282 204	2 465 971	202 692	217 574	265 285
1.5 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	733 966	51 052	74 657	58 713	632 512	44 758	64 825	48 260
1.6 Other	1 440 829	110 657	192 627	203 025	1 117 832	91 427	161 248	173 137
1.7 Total								
1.7.1 Actual figures	7 081 503	604 264	704 187	812 674	6 004 871	513 010	610 666	714 670
1.7.2 Seasonally adjusted		577 283	685 183	779 275		502 335	571 950	702 954