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Statistics of civil cases for debt

June 1999

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CIVIL DEBT CASES CONTINUE TO INCREASE

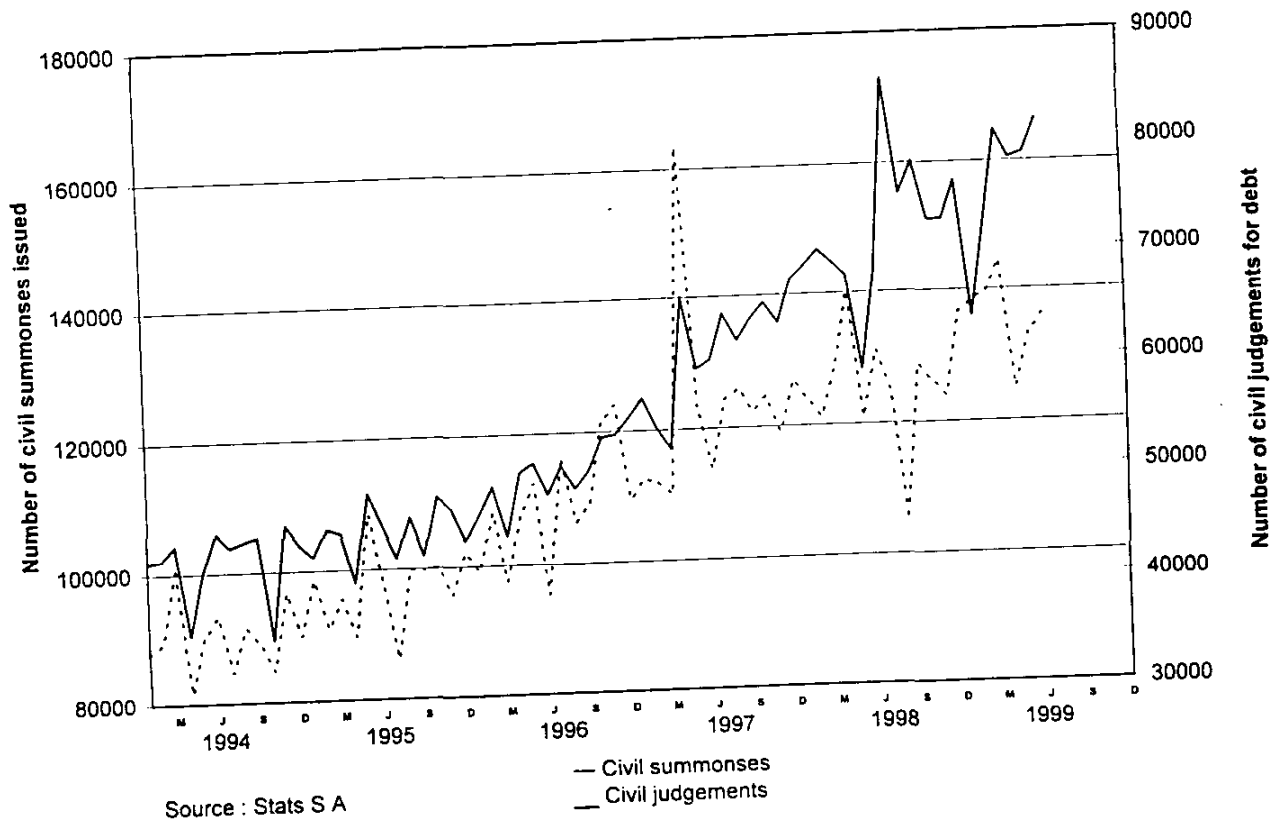
The total number of civil summonses for debt recorded for the second quarter of 1999 increased by 0,9% (from 401 333 to 405 091) compared with the corresponding period of 1998. However, the total number of civil summonses for debt recorded for the second quarter of 1999, after seasonal adjustment, is 6,7% lower than the previous quarter.

The total number of civil judgements for debt recorded for the second quarter of 1999 increased by 22,9% from 191 639 to 235 457 compared with the corresponding period of 1998. Furthermore, the total number of civil judgements for debt recorded for the second quarter of 1999, after seasonal adjustment, is 10,3% higher than the preceding quarter.

The largest contributors to the 0,9% increase in civil summonses for debt were summonses relating to money lent (+19,8%) and goods sold on open account (+7,5%). During June 1999, 29,7% or 43 085 of the total summonses issued were for civil summonses relating to "other services" and 19,2% or 27 840 were in respect of money lent.

During June 1999, 79 258 civil judgements for debt were issued amounting to R838,4 million. The major contributors to the R838,4 million were civil judgements relating to money lent (33,0% or R277,0 million), followed by civil judgements in respect of services (10,1% or R84,9 million) and goods sold on open account (6,3% or R52,9 million).

Figure 1 - Civil summonses and judgements for debt



pp *[Signature]*
 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:				
Apr. 1999 - Jun. 1999	405 091	235 457	+0,9	+22,9
Apr. 1998 - Jun. 1998	401 333	191 639		
Seasonally adjusted figures:				
Apr. 1999 - Jun. 1999	394 264	238 989	-6,7	+10,3
Jan. 1999 - Mar. 1999	422 696	216 761		

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, ejectment 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 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	2 844	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

TABLE 3 - CIVIL DEFAULT AND CONSENT JUDGEMENTS FOR DEBT

Item	Business enterprises and private persons						Private persons						
	1998		1999		1998		1998		1999		1998		
	Jun.	May	Jun.	May	Jun.	May	Jun.	May	Jun.	May	Jun.		
	Number												
1. Judgements													
1.1 Total	864 554	79 258	82 527	66 064	812 495	74 679	77 988	61 957					
1.1.1 Actual figures	81 860	78 803	67 757			77 275	74 378	63 653					
1.1.2 Seasonally adjusted													
1.2 Goods sold	133 896	13 030	13 331	11 936	120 892	11 866	12 068	10 894					
1.2.1 Open account	16 170	1 760	1 697	1 043	14 675	1 580	1 556	958					
1.2.2 Instalment sale transactions													
1.3 Services	97 052	8 010	9 455	9 217	94 501	7 666	9 163	8 887					
1.3.1 Professional	199 715	17 792	14 643	11 295	187 261	16 949	13 770	10 275					
1.3.2 Other													
1.4 Rent	32 484	3 040	2 818	2 861	24 858	2 569	2 314	2 290					
1.5 Money lent	185 153	18 917	20 724	14 772	182 020	18 595	20 279	14 543					
1.6 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	65 086	5 360	6 443	4 985	60 786	4 938	6 029	4 649					
1.7 Other	134 998	11 349	13 416	9 955	127 502	10 516	12 809	9 461					
	R1 000												
1. Judgements													
1.1 Total	6 388 098	838 383	715 118	461 373	5 475 146	676 793	612 418	393 785					
1.2 Goods sold	547 637	52 852	60 255	53 485	366 703	35 829	37 011	39 330					
1.2.1 Open account	322 633	38 213	36 800	22 660	281 936	28 204	31 383	18 911					
1.2.2 Instalment sale transactions													
1.3 Services	169 718	21 042	17 187	13 452	151 378	18 113	14 657	12 536					
1.3.1 Professional	494 851	63 902	54 277	33 843	418 555	50 798	47 517	29 018					
1.3.2 Other													
1.4 Rent	224 191	28 976	25 660	15 949	165 551	21 010	19 246	12 347					
1.5 Money lent	2 413 180	276 994	253 737	180 745	2 255 045	238 706	234 631	166 791					
1.6 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	638 841	48 051	62 676	38 775	553 328	41 176	56 765	34 062					
1.7 Other	1 577 047	308 353	204 526	102 464	1 282 650	242 957	171 208	80 790					

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

- 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

Source: Department of Justice