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# Statistics of civil cases for debt

June 2000

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### Key figures for the month ended June 2000

Actual estimates	June 2000	% change between June 1999 and June 2000	% change between April 1999 to June 1999 and April 2000 to June 2000	% change between January 1999 to June 1999 and January 2000 to June 2000
	Number of civil summonses for debt	147 073	+1,5	-0,4
Number of civil judgements for debt	88 741	+12,0	+7,3	+12,7
Value of civil judgements for debt (R million)	625,7	-25,4	-16,6	-14,6

### Seasonally adjusted estimates

June 2000	% change between May 2000 and June 2000	% change between January 2000 to March 2000 and April 2000 to June 2000	
Number of civil summonses for debt	136 392	-6,1	-5,4
Number of civil judgements for debt	91 512	-1,1	-2,2
Value of civil judgements for debt (R million)	598,7	-1,7	+2,5

### Key findings for the month ended June 2000

The total number of civil summonses for debt issued lower than a year ago

*The total number of civil summonses for debt issued for the second quarter of 2000 decreased by 0,4% (from 405 091 to 403 488) compared with the corresponding period of 1999. Furthermore, the total number of civil summonses for debt recorded for the second quarter of 2000, after seasonal adjustment, decreased by 5,4% compared with the first quarter of 2000.*

The major contributors to the decrease of 0,4% in civil summonses for debt issued during the second quarter of 2000 compared with the second quarter of 1999 were civil summonses issued in respect of other services (-2,7 percentage points) and promissory notes (-0,5 of a percentage point). These decreases were slightly counteracted by increases reflected in civil summonses issued in respect of goods sold (+1,5 percentage points) and money lent (+1,0 percentage point) during the above-mentioned period.

**The total number of civil judgements for debt recorded higher than a year ago**

*The total number of civil judgements for debt recorded for the second quarter of 2000 increased by 7,3% (from 235 457 to 252 599) compared with the corresponding period of 1999. However, the total number of civil judgements for debt recorded for the second quarter of 2000, after seasonal adjustment, is 2,2% lower than the first quarter of 2000.*

The major contributors to the increase of 7,3% in judgements for debt recorded during the second quarter of 2000 compared with the second quarter of 1999 were civil judgements recorded in respect of money lent (+3,7 percentage points), promissory notes (+2,6 percentage points) and "other services" (+1,5 percentage points).

**The total value of civil judgements for debt recorded higher than a year ago**

*The total value of civil judgements for debt recorded for the second quarter of 2000 decreased by 16,6% (from R2 149,6 million to R1 792,7 million) compared with the corresponding period of 1999. However, the total value of civil judgements for debt recorded for the second quarter of 2000, after seasonal adjustment, increased 1,1% compared with the first quarter of 2000.*

The major contributors to the decrease of 16,6% in the value of civil judgements for debt recorded during the second quarter of 2000 compared with the second quarter of 1999 were civil judgements recorded in respect of "other services" (-16,5 percentage points), money lent (-4,5 percentage points) and instalment sales (-0,5 of a percentage point).

During June 2000, 88 741 civil judgements for debt were issued amounting to R625,7 million. The largest contributors to the R625,7 million were civil judgements relating to money lent (38,6% or R241,5 million), promissory notes (10,2% or R64,0 million) and goods sold on open account (10,1% or R63,3 million).

Figure 1 - Civil summonses for debt

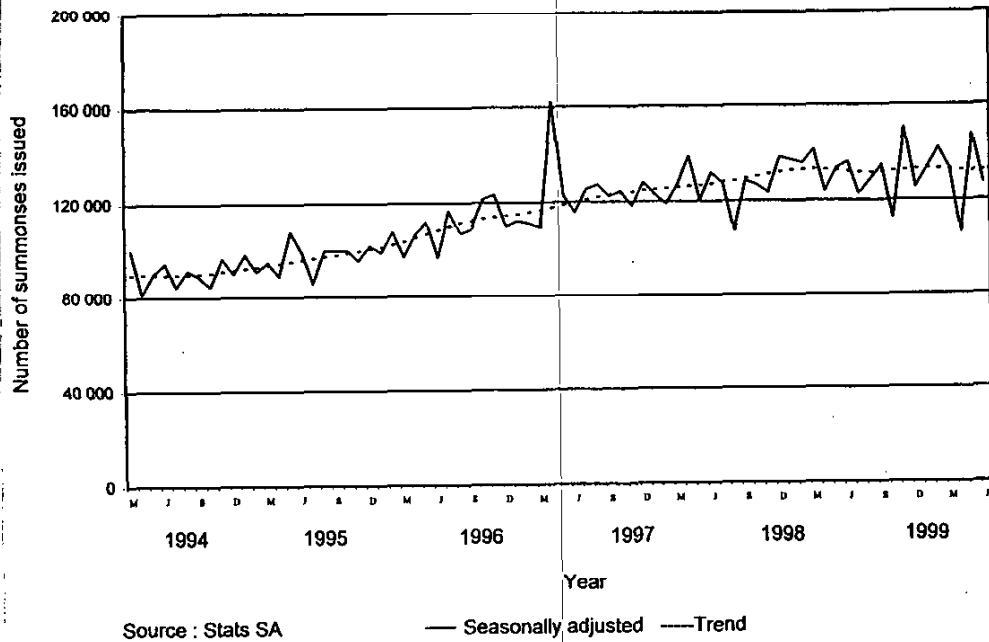
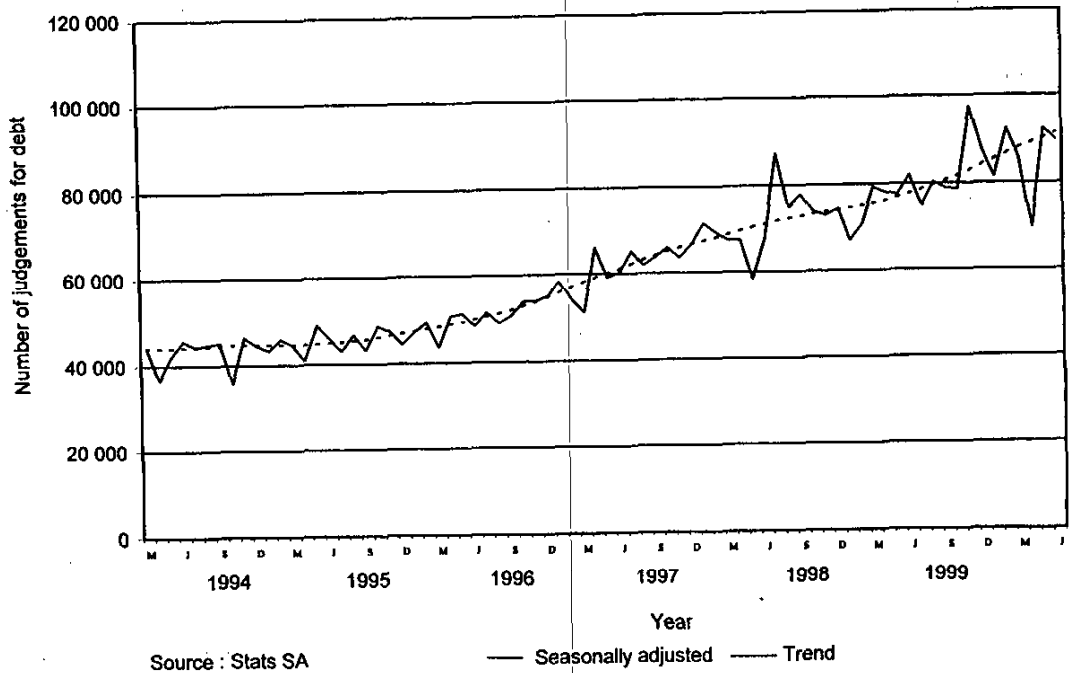


Figure 2 - Civil judgements for debt



pp *Mugwaba*  
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 Acting head: Statistics South Africa

## Notes

### **Forthcoming issues**

#### **Issue**

#### **Expected release date**

July 2000

21 September 2000

### **Purpose of the survey**

The Survey of Civil Cases for Debt covers a sample of magistrates' offices in South Africa excluding the former Transkei, Bophuthatswana, Venda and Ciskei (TBVC states). This survey collects information regarding civil cases recorded, civil summonses issued, 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 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
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
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
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
A	15 112	11 085	3 892	1 328	2 739	10 273	8 433	8 155	5 221	10 248	5 695	1 711
S	14 367	9 193	4 618	653	2 125	10 730	10 404	8 882	4 026	11 747	3 620	2 402
O	12 648	8 700	2 915	1 706	2 631	11 390	10 994	6 937	4 049	13 102	2 119	2 958
N	14 376	16 092	3 529	1 900	3 298	11 126	10 171	7 248	4 107	34 532	3 588	2 731
D	10 794	5 228	1 371	1 035	2 544	7 143	7 026	6 191	3 279	11 481	4 399	1 750
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	17 341	7 860	2 066	1 370	2 620	13 017	12 529	8 040	3 957	10 779	2 906	3 497



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

Item	Business enterprises and private persons					
	Business enterprises			Private persons		
	1999	2000	2000	1999	2000	2000
	Jun.	May	Jun.	Jun.	May	Jun.
1. Judgements						
1.1 Goods sold						
1.1.1 Open account	154 385	13 030	14 092	12 029	141 197	11 866
1.1.1.2 Instalment sale transactions	19 410	1 760	1 796	1 796	17 842	1 580
1.2 Services						
1.2.1 Professional	99 284	8 010	10 267	8 601	95 548	7 666
1.2.2 Other	172 270	17 792	20 038	16 885	162 618	16 949
1.3 Rent	34 234	3 040	4 119	4 679	27 489	2 569
1.4 Money lent	237 531	18 917	25 637	25 442	233 668	18 595
1.5 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	74 310	5 360	9 605	6 961	69 580	4 938
1.6 Other	161 826	11 349	12 848	12 348	151 915	10 516
1.7 Total	953 250	79 258	98 402	88 741	899 859	74 679
1.7.1 Actual figures	81 950	81 950	92 397	91 512	85 677	85 677
1.7.2 Seasonally adjusted						

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					
	1999		2000		2000		1999		2000		2000	
	Jun.	May	Jun.	May	Jun.	May	Jun.	May	Jun.	May	Jun.	
1. Judgments	682 500	52 852	59 919	63 321	470 242	35 829	41 555	45 755				
1.1 Goods sold	410 259	38 213	29 453	35 416	340 774	28 204	24 629	30 645				
1.1.1 Open account												
1.1.1.2 Instalment sale transactions												
1.2 Services	203 834	21 042	18 106	17 883	179 121	18 113	15 805	16 643				
1.2.1 Professional	529 253	63 902	80 839	56 441	446 695	50 798	73 005	49 512				
1.2.2 Other												
1.3 Rent	256 378	28 976	29 640	31 096	185 702	21 010	21 898	22 749				
1.4 Money lent	3 070 082	276 994	240 763	241 507	2 842 060	238 706	207 945	219 909				
1.5 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	643 181	48 051	80 137	63 999	569 021	41 176	62 288	57 433				
1.6 Other	1 993 275	308 353	94 970	116 007	1 436 202	242 957	71 500	89 089				
1.7 Total	7 788 763	838 383	633 827	625 670	6 469 817	676 793	518 625	531 735				

**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 excluding the former Transkei, Bophuthatswana, Venda and Ciskei (TBVC states). This information is obtained from selected magistrates' offices.
- 2 This statistical release reflects the results of civil cases recorded and summonses issued against business enterprises and private persons in a sample of 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 business enterprises. Only the general public may use the small claims courts and not 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 May 1995. A comparison with the period prior to May 1995 must thus be handled with circumspection.

- Statistical unit** 9 The statistical unit for collection of information is a magistrates' office. Magistrates' offices include the small claims courts.
- Survey methodology and design** 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.
- 11 The survey is conducted by mail each month from 152 magistrates' offices.
- Seasonal adjustment** 12 Seasonally adjusted estimates of all items are generated each month, using the X-11 Seasonal Adjustment Program developed by US Bureau of the Census Economic Research and Analyses Division, 1968. 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 The trend is the long-term pattern or movement of a time series. The X-11 Seasonal Adjustment Program is used for smoothing seasonally adjusted estimates.
- Publications** 14 Users may 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 June was 100%.

## Glossary

<b>Acknowledgement of debt</b>	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.
<b>Bills</b>	Bills are statements of charges for services rendered or for amounts owed.
<b>Civil judgements</b>	Civil judgements are decisions taken in a civil matter or a dispute between two people or parties.
<b>Civil summonses</b>	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.
<b>Consent judgements</b>	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.
<b>Default judgements</b>	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.
<b>Hearings</b>	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.
<b>Instalment sale transactions</b>	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.
<b>Litigants</b>	Litigants are people who take part in court proceedings, usually against each other, like a debtor and a creditor.
<b>Litigants referred</b>	Litigants referred relates to a case where the parties have been referred to another instance/court.
<b>Open account transaction</b>	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.
<b>Other services</b>	"Other services" refers to municipal services (except outstanding assessment rates), plumbers, builders, mechanics, panel-beaters and electricians.
<b>Other kinds of debt</b>	"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 the Unemployment Insurance and Compensation Funds, outstanding money in respect of television maintenance contracts and outstanding money in respect of flat levies.
<b>Plaintiff</b>	Plaintiff is a person/party in a civil case who asks the court for judgement against another person.
<b>Promissory note</b>	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.
<b>Reference month</b>	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.

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