

**P0041**

# **Statistics of civil cases for debt**

**June 2001**

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## Key figures for the month ended June 2001

| <b>Actual estimates</b>                                 | <b>June 2001</b> | <b>% change between June 2000 and June 2001</b> | <b>% change between April 2000 to June 2000 and April 2001 to June 2001</b> | <b>% change between January 2000 to June 2000 and January 2001 to June 2001</b> |
|---|------------------|---|---|---|
| Number of civil summonses issued for debt               | 136 535          | -3,0  | +3,2  | +1,7  |
| Number of civil judgements recorded for debt            | 87 297           | -1,1  | -0,7  | -0,4  |
| Value of civil judgements recorded for debt (R million) | 709,0            | +12,4   | +19,6   | +30,7   |

## Seasonally adjusted estimates

|   | <b>June 2001</b> | <b>% change between May 2001 and June 2001</b> | <b>% change between January 2001 to March 2001 and April 2001 to June 2001</b> |
|---|------------------|--|--|
| Number of civil summonses issued for debt               | 127 621          | -6,6   | -1,4   |
| Number of civil judgements recorded for debt            | 85 384           | +3,1   | -6,4   |
| Value of civil judgements recorded for debt (R million) | 688,9            | -10,7  | -11,5  |

## Key findings for the month ended June 2001

### The total number of civil summonses issued for debt decreases

*The total number of civil summonses issued for debt for the second quarter of 2001, after seasonal adjustment, decreased by 1,4% compared with the first quarter of 2001. However, the total number of civil summonses issued for debt for the second quarter of 2001 increased by 3,2% compared with the second quarter of 2000. Furthermore, the total number of civil summonses issued for debt for the first six months of 2001 increased by 1,7% compared with the first six months of 2000.*

The major contributors to the increase of 3,2% in civil summonses issued for debt for the second quarter of 2001 compared with the second quarter of 2000 were civil summonses issued in respect of “other” debts (+1,8 percentage points), money lent (+1,5 percentage points) and rent (+1,4 percentage points). These increases were counteracted by a decrease in ‘other’ services (-2,9 percentage points).

### **The total number of civil judgements recorded for debt decreases**

*The total number of civil judgements recorded for debt for the second quarter of 2001, after seasonal adjustment, decreased by 6,4% compared with the first quarter of 2001. Furthermore, the total number of civil judgements recorded for debt for the second quarter of 2001 decreased by 0,7% compared with the second quarter of 2000. The total number of civil judgements recorded for debt for the first six months of 2001 decreased by 0,4% compared with the first six months of 2000.*

The major contributors to the decrease of 0,7% in the number of civil judgements recorded for debt for the second quarter of 2001 compared with the second quarter of 2000 were civil judgements recorded in respect of 'other' services (-2,9 percentage points), goods sold on open account (-1,5 percentage points) and professional services (-1,0 percentage points). However, these decreases were counteracted by increases in the number of judgements recorded for debt relating to money lent (+4,0 percentage points) and 'other' debts (+1,5 percentage points).

### **The total value of civil judgements recorded for debt decreases**

*The total value of civil judgements recorded for debt for the second quarter of 2001, after seasonal adjustment, decreased by 11,5% compared with the first quarter of 2001. However, the total value of civil judgements recorded for debt for the second quarter of 2001 increased by 19,6% compared with the second quarter of 2000. Furthermore, the total value of civil judgements recorded for debt for the first six months of 2001 increased by 30,7% compared with the first six months of 2000.*

The major contributor to the increase of 19,6% in the value of civil judgements recorded for debt for the second quarter of 2001 compared with the second quarter of 2000 was civil judgements recorded in respect of "other" debts (+20,4 percentage points) and professional services (+1,1 percentage points).

During June 2001, 87 297 civil judgements for debt amounted to R709,0 million. The largest contributors to the R709,0 million were civil judgements relating to money lent (32,9% or R233,2 million) and "other" debts (27,3% or R193,2 million).

## Notes

### Forthcoming issues

| Issue          | Expected release date |
|----------------|-----------------------|
| July 2001      | 27 September 2001     |
| August 2001    | 15 October 2001       |
| September 2001 | 22 November 2001      |
| October 2001   | 20 December 2001      |
| November 2001  | 24 January 2002       |
| December 2001  | 21 February 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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## 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 June 1995. A comparison with the period prior to June 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 (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. Seasonal adjustment does not aim to remove irregular or non-seasonal influences which June 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 June 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 June 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 89%

## 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 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. |



|                                     |   |
|-------------------------------------|---|
| <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.   |
| <b>Refer to drawer (RD) cheques</b> | RD Cheques refer to dishonoured cheques. The drawer is the owner of the cheque.<br>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. |
| <b>Small claims courts</b>          | 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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*Produced by Stats SA*

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 |         |         |         |
|--|--|---------|---------|---------|-----------------|---------|---------|---------|
|  | 2000                                     | 2000    | 2001    | 2001    | 2000            | 2000    | 2001    | 2001    |
|  |  | Jun.    | May     | Jun.    |                 | Jun.    | May     | Jun.    |
| Number   |  |         |         |         |                 |         |         |         |
| 1. Cases recorded  |  |         |         |         |                 |         |         |         |
| 1.1 Actual figures   | 1 760 348                                | 156 444 | 173 044 | 152 897 | 1 586 605       | 138 676 | 157 835 | 140 679 |
| 1.2 Seasonally adjusted  |  | 147 725 | 157 368 | 144 794 |                 | 131 125 | 147 129 | 133 217 |
| 2. Civil summonses for debt  |  |         |         |         |                 |         |         |         |
| 2.1 Goods sold   |  |         |         |         |                 |         |         |         |
| 2.1.1 Open account   | 256 571                                  | 23 511  | 27 237  | 22 070  | 228 045         | 20 574  | 24 750  | 19 763  |
| 2.1.2 Instalment sale transactions   | 38 918                                   | 3 802   | 4 218   | 3 685   | 32 674          | 3 012   | 3 811   | 3 326   |
| 2.2 Services   |  |         |         |         |                 |         |         |         |
| 2.2.1 Professional   | 181 817                                  | 15 443  | 16 319  | 14 955  | 167 564         | 14 134  | 15 673  | 14 347  |
| 2.2.2 Other  | 389 839                                  | 34 627  | 29 263  | 27 714  | 361 550         | 31 933  | 27 362  | 26 264  |
| 2.3 Rent   | 67 099                                   | 5 846   | 8 041   | 7 300   | 52 761          | 4 542   | 6 319   | 5 853   |
| 2.4 Money lent   | 317 792                                  | 29 002  | 32 074  | 29 557  | 297 042         | 26 957  | 30 622  | 28 256  |
| 2.5 Promissory notes, bills,<br>R/D cheques, credit cards<br>and other acknowledgements<br>of debt | 106 226                                  | 10 824  | 10 603  | 10 146  | 92 352          | 9 499   | 8 885   | 8 638   |
| 2.6 Other  | 220 187                                  | 17 688  | 21 065  | 21 108  | 194 931         | 15 403  | 18 865  | 19 241  |
| 2.7 Total  |  |         |         |         |                 |         |         |         |
| 2.7.1 Actual figures   | 1 578 449                                | 140 743 | 148 820 | 136 535 | 1 426 912       | 126 054 | 136 288 | 125 688 |
| 2.7.2 Seasonally adjusted  |  | 131 358 | 136 646 | 127 621 |                 | 117 189 | 126 442 | 116 873 |

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 |
|---------------|----------------|----------------|-------------|-----------|------------------|---------|--------------|-----------|-----------|----------|--------------------------------|--------------|
| 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     | 4 370            | 9 000   | 10 826       | 8 866     | 4 067     | 15 049   | 2 275                          | 920          |

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 |        |        |        |
|--|--|--------|--------|--------|-----------------|--------|--------|--------|
|  | 2000                                     | 2000   | 2001   | 2001   | 2000            | 2000   | 2001   | 2001   |
|  |  | Jun.   | May    | Jun.   |                 | Jun.   | May    | Jun.   |
| 1. Judgements  |  |        |        |        |                 |        |        |        |
| 1.1 Goods sold   |  |        |        |        |                 |        |        |        |
| 1.1.1 Open account   | 144 343                                  | 12 031 | 12 007 | 12 382 | 133 518         | 11 040 | 11 206 | 11 444 |
| 1.1.2 Instalment sale transactions   | 18 244                                   | 1 794  | 1 840  | 2 424  | 16 238          | 1 646  | 1 664  | 2 251  |
| 1.2 Services   |  |        |        |        |                 |        |        |        |
| 1.2.1 Professional   | 98 214                                   | 8 595  | 8 877  | 8 154  | 95 094          | 8 365  | 8 784  | 8 078  |
| 1.2.2 Other  | 175 766                                  | 16 523 | 16 902 | 14 338 | 167 692         | 15 779 | 16 294 | 13 784 |
| 1.3 Rent   | 39 547                                   | 4 843  | 3 347  | 3 240  | 31 904          | 3 916  | 2 865  | 2 806  |
| 1.4 Money lent   | 256 609                                  | 25 059 | 28 574 | 26 660 | 250 085         | 24 629 | 28 153 | 26 168 |
| 1.5 Promissory notes, bills,<br>R/D cheques, credit cards<br>and other acknowledgements<br>of debt | 82 899                                   | 6 791  | 7 718  | 7 759  | 78 798          | 6 477  | 7 352  | 7 025  |
| 1.6 Other  | 154 024                                  | 12 657 | 12 425 | 12 340 | 144 412         | 11 685 | 11 801 | 11 674 |
| 1.7 Total  |  |        |        |        |                 |        |        |        |
| 1.7.1 Actual figures   | 969 646                                  | 88 293 | 91 690 | 87 297 | 917 745         | 83 536 | 88 119 | 83 231 |
| 1.7.2 Seasonally adjusted  |  | 86 951 | 82 813 | 85 384 |                 | 82 254 | 79 167 | 81 407 |

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 |         |         |         |
|--|--|---------|---------|---------|-----------------|---------|---------|---------|
|  | 2000                                     | 2000    | 2001    | 2001    | 2000            | 2000    | 2001    | 2001    |
|  |  | Jun.    | May     | Jun.    |                 | Jun.    | May     | Jun.    |
| R1 000   |  |         |         |         |                 |         |         |         |
| 1. Judgements  |  |         |         |         |                 |         |         |         |
| 1.1 Goods sold   |  |         |         |         |                 |         |         |         |
| 1.1.1 Open account   | 741 285                                  | 64 159  | 92 713  | 71 183  | 574 764         | 45 888  | 77 613  | 54 928  |
| 1.1.2 Instalment sale transactions   | 357 335                                  | 35 392  | 27 814  | 32 874  | 303 949         | 30 588  | 21 580  | 25 632  |
| 1.2 Services   |  |         |         |         |                 |         |         |         |
| 1.2.1 Professional   | 184 612                                  | 18 077  | 35 855  | 19 318  | 166 067         | 16 740  | 34 376  | 17 772  |
| 1.2.2 Other  | 593 344                                  | 55 280  | 84 065  | 55 960  | 529 045         | 47 588  | 75 317  | 49 862  |
| 1.3 Rent   | 308 849                                  | 38 451  | 32 136  | 28 950  | 214 729         | 26 486  | 24 629  | 21 635  |
| 1.4 Money lent   | 2 721 283                                | 238 035 | 252 905 | 233 166 | 2 465 971       | 215 838 | 220 026 | 218 968 |
| 1.5 Promissory notes, bills,<br>R/D cheques, credit cards<br>and other acknowledgements<br>of debt | 733 966                                  | 64 117  | 48 900  | 74 273  | 632 512         | 57 336  | 42 198  | 64 385  |
| 1.6 Other  | 1 440 829                                | 117 414 | 253 551 | 193 228 | 1 117 832       | 89 367  | 218 424 | 161 533 |
| 1.7 Total  |  |         |         |         |                 |         |         |         |
| 1.7.1 Actual figures   | 7 081 503                                | 630 925 | 827 939 | 708 952 | 6 004 871       | 529 831 | 714 163 | 614 714 |
| 1.7.2 Seasonally adjusted  |  | 609 452 | 771 135 | 688 894 |                 | 494 631 | 659 564 | 576 283 |

**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