

P0041

Statistics of civil cases for debt

June 2002

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Key figures for the month ended June 2002

Actual estimates

	June 2002	% change between June 2001 and June 2002	% change between April 2001 to June 2001 and April 2002 to June 2002	% change between January 2001 to June 2001 and January 2002 to June 2002
Number of civil summonses issued for debt	125 817	-7,3	+0,7	-2,0
Number of civil judgements recorded for lebt	73 958	-14,5	-5,1	-8,8
Value of civil judgements recorded for debt (R million)	606,6	-13,9	-18,2	-12,1

Seasonally adjusted estimates

	June 2002	% change between May 2002 and June 2002	% change between January 2002 to March 2002 and April 2002 to June 2002
Number of civil summonses issued for debt	120 092	-4,4	+4,3
Number of civil judgements recorded for lebt	71 435	-2,5	+1,1
Value of civil judgements recorded for debt (R million)	586,0	+8,3	-19,3

Key findings as at the end of June 2002

The total number of civil summonses for debt increases

The total number of civil summonses issued for debt for the second quarter of 2002, after seasonal adjustment, increased by 4,3% compared with the previous quarter. Furthermore, the total number of civil summonses issued for debt for the second quarter of 2002, increased by 0,7% compared with the second quarter of 2001. The total number of civil summonses issued for debt for the first six months of 2002 decreased by 2,0% compared with the first six months of 2001.

The major contributor to the increase of 0,7% in civil summonses issued for debt for the second quarter of 2002 compared with the second quarter of 2001 was civil summonses issued in respect of money lent (+4,9 percentage points). However, this increase was partially counteracted by a decrease in summonses issued for debt relating to goods sold on account (-3,2 percentage points) and 'other' services (-1,4 percentage points).

The total number of civil judgements recorded for debt increases

The total number of civil judgements recorded for debt for the second quarter of 2002, after seasonal adjustment, increased by 1,1% compared with the previous quarter. However, the total number of civil judgements recorded for debt for the second quarter of 2002 decreased by 5,1% compared with the second quarter of 2001. The total number of civil summonses issued for debt for the first six months of 2002 decreased by 8,8% compared with the first six months of 2001.

The major contributors to the decrease of 5,1% in the number of civil judgements recorded for debt for the second quarter of 2002 compared with the second quarter of 2001 were civil judgements recorded in respect of 'other' debts (-3,6 percentage points), 'other' services (-1,9 percentage points), goods sold on account (-1,8 percentage points) and professional services (-0,6 of a percentage point). However, these decreases were partially counteracted by increases in judgements relating to money lent (+3,0 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 2002, after seasonal adjustment, decreased by 19,3% compared with the previous quarter. The total value of civil judgements recorded for debt for the second quarter of 2002, decreased by 18,2% compared with the second quarter of 2001. Furthermore, the total value of civil judgements recorded for debt for the first six months of 2002 decreased by 12,7% compared with the first six months of 2001.

The major contributors to the decrease of 18,2% in the value of civil judgements recorded for debt for the second quarter of 2002 compared with the second quarter of 2001 were civil judgements recorded in respect of 'other' debts (-9,9 percentage points), money lent (-3,5 percentage points) and goods sold on account (-3,3 percentage points).

During June 2002, 73 958 civil judgements for debt amounted to R606,6 million. The largest contributors to the R606,6 million were civil judgements relating to 'other' debts (34,7% or R210,2 million) and money lent (28,4% or R172,4 million).

Notes

Forthcoming issues

Issue

Expected release date

July 2002	26 September 2002
August 2002	24 October 2002
September 2002	21 November 2002
October 2002	19 December 2002
November 2002	15 January 2003
December 2002	19 February 2003

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.

Notes

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- Table 1 Number of civil cases recorded and summonses issued for debt according to business enterprises and private persons
- Table 2 Number of civil cases recorded in selected magistrates' offices
- Table 3 Number of civil default and consent judgements for debt according to business enterprises and private persons..
- Table 4 Value of civil default and consent judgements for debt according to business enterprises and private persons.
- Table 5 Number of small claims courts, litigants referred, summonses issued and hearings: 1990 to 1999

Additional information

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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	<p>9 The statistical unit for collection of information is a magistrate's office. Magistrate's offices include the small claims courts.</p> <p>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.</p>
Survey methodology and design	<p>11 The survey is conducted by mail each month from approximately 152 magistrates' offices.</p>
Seasonal adjustment	<p>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 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.</p>
Trend cycle	<p>13 Smoothed seasonally adjusted estimates are generated using the X-11 Seasonal Adjustment Programme.</p>
Publications	<p>14 Users may also wish to refer to the following publications:</p> <ul style="list-style-type: none"> • Bulletin of Statistics issued quarterly. • SA Statistics issued annually.
Unpublished statistics	<p>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.</p>
Symbols and abbreviations	<p>16 R/D Refer to Drawer CD Compact Disc Stats SA Statistics South Africa TBVC Transkei, Bophuthatswana, Venda, Ciskei.</p>
Technical notes	
Response rates	<p>The response rate for June was 79,5%</p>

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 always take more goods and keep paying as long as he has credit.
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 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 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.
Reference month	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.

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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(012) 310 8161 (publications)
(012) 310 8490 (library)

Fax number: (012) 310 8332

e-mail: CorrieB@statssa.pwv.gov.za
DeidreN@statssa.pwv.gov.za

Postal address: Private Bag X44, Pretoria, 0001

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			
	2001	2001	2002	2002	2001	2001	2002	2002
		Jun.	May	Jun.		Jun.	May	Jun.
Number								
1. Cases recorded								
1.1 Actual figures	1 813 654	152 838	159 890	137 689	1 655 837	140 656	148 354	127 765
1.2 Seasonally adjusted		147 109	141 102	133 753		135 372	131 759	124 278
2. Civil summonses for debt								
2.1 Goods sold								
2.1.1 Open account	248 080	21 884	19 918	15 997	221 283	19 614	18 157	14 451
2.1.2 Instalment sale transactions	45 565	3 915	4 692	4 002	41 154	3 538	4 401	3 600
2.2 Services								
2.2.1 Professional	167 898	14 811	15 150	12 875	160 340	14 189	14 437	12 358
2.2.2 Other	322 400	27 356	27 510	25 212	301 137	25 903	25 956	23 571
2.3 Rent	82 665	7 209	7 453	6 089	66 000	5 763	6 084	4 964
2.4 Money lent	351 681	29 627	35 837	31 298	335 566	28 417	34 841	30 504
2.5 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	111 152	9 898	10 807	10 286	95 936	8 376	9 605	9 514
2.6 Other	234 135	21 045	19 678	20 058	209 683	19 134	17 861	17 649
2.7 Total								
2.7.1 Actual figures	1 563 576	135 746	141 046	125 817	1 431 098	124 934	131 341	116 612
2.7.2 Seasonally adjusted		128 587	125 632	120 091		118 002	117 611	111 122

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

Year or month	Cape Peninsula	Port Elizabeth	East-London	Kimberley	Pieter-maritzburg	Durban	Johannesburg	East Rand	West Rand	Pretoria	Vereeniging and Vanderbijlpark	Bloemfontein
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
2001	200 575	126 257	30 998	19 520	42 098	109 605	116 694	85 965	43 278	186 626	38 956	48 186
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	8 077	3 379	16 437	2 727	1 722
A	19 119	13 057	1 708	1 842	3 300	9 504	11 320	6 134	3 220	13 222	2 261	2 636
M	21 742	12 519	3 606	1 370	4 370	9 582	11 733	8 159	4 194	19 208	2 754	2 672
J	18 385	10 095	2 367	2 028	4 646	9 000	10 826	8 252	4 067	15 049	2 277	920
J	16 644	12 649	2 139	1 657	3 721	7 614	9 282	7 352	3 405	13 749	5 577	2 763
A	16 885	10 208	1 903	1 297	3 946	9 396	10 649	6 203	3 542	11 214	6 587	4 352
S	13 065	10 443	1 775	1 957	2 410	7 270	8 720	5 032	3 550	9 986	2 337	2 596
O	15 149	12 793	2 182	1 722	3 082	10 130	8 720	7 559	3 270	15 285	2 922	2 709
N	15 508	11 184	2 225	1 722	3 315	11 873	8 720	7 007	5 306	27 118	2 894	6 617
D	11 953	4 472	1 155	1 657	1 749	7 123	6 261	5 965	2 300	18 583	2 041	7 961
2002 - J	12 399	9 395	1 684	1 657	2 947	6 618	10 413	5 931	3 111	13 571	1 503	2 627
F	12 156	10 065	1 899	769	3 301	13 463	10 413	6 028	3 003	12 691	1 858	2 939
M	15 356	9 855	2 118	3 325	3 393	9 628	11 519	5 847	3 371	12 756	1 751	3 640
A	20 988	9 796	3 344	3 325	3 624	13 563	16 691	5 208	3 013	14 853	3 492	3 726
M	20 483	9 796	2 664	943	4 174	12 811	14 247	5 682	3 144	13 848	3 142	3 751
J	16 142	9 796	2 664	943	3 340	10 140	10 951	6 615	2 958	12 321	2 424	3 751

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			
	2001	2001	2002	2002	2001	2001	2002	2002
		Jun.	May	Jun.		Jun.	May	Jun.
Number								
1. Judgements								
1.1 Goods sold								
1.1.1 Open account	133 233	12 320	9 942	9 397	122 089	11 402	9 203	8 726
1.1.2 Instalment sale transactions	19 342	2 326	1 596	1 424	17 157	2 157	1 476	1 288
1.2 Services								
1.2.1 Professional	102 587	7 692	7 338	6 488	98 859	7 617	7 146	6 272
1.2.2 Other	159 631	14 269	12 801	12 344	151 104	13 745	12 194	11 610
1.3 Rent	46 551	3 193	3 700	2 877	38 495	2 766	3 212	2 520
1.4 Money lent	310 569	26 955	28 333	26 485	303 382	26 478	27 732	21 817
1.5 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	85 482	7 706	8 013	6 482	79 025	6 981	7 694	6 054
1.6 Other	152 749	12 029	10 044	8 461	142 434	11 370	9 288	7 754
1.7 Total								
1.7.1 Actual figures	1 010 144	86 490	81 767	73 958	952 545	82 516	77 945	66 041
1.7.2 Seasonally adjusted		84 162	73 284	71 435		81 265	69 347	64 669

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			
	2001	2001	2002	2002	2001	2001	2002	2002
		Jun.	May	Jun.		Jun.	May	Jun.
	R1 000							
1. Judgements								
1.1 Goods sold								
1.1.1 Open account	1 025 789	71 991	56 068	48 538	848 081	55 934	46 140	37 811
1.1.2 Instalment sale transactions	353 756	30 065	26 660	57 493	286 119	23 035	22 588	53 876
1.2 Services								
1.2.1 Professional	218 869	18 527	15 743	13 201	200 675	17 023	14 673	12 684
1.2.2 Other	770 697	55 514	54 375	51 175	693 405	49 743	50 353	40 680
1.3 Rent	346 812	28 624	25 194	19 736	247 981	21 484	20 329	15 073
1.4 Money lent	2 954 066	230 322	199 823	172 366	2 742 300	215 597	189 742	160 704
1.5 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	761 520	74 786	54 552	33 900	625 223	64 834	49 675	26 505
1.6 Other	2 729 738	194 764	136 411	210 224	2 080 050	162 951	100 333	81 646
1.7								
1.7.1 Total	9 161 247	704 593	568 826	606 633	7 723 837	610 602	493 833	428 980
1.7.2 Seasonally adjusted		680 384	540 914	586 042		594 341	459 542	420 474