

DIE BIBLIOTEK / THE LIBRARY  
SUID-AFRIKAanse STATISTIEKDIENS  
CENTRAL STATISTICS  
PRIVATE  
STATISTICAL SERVICE  
0001 - PRETORIA  
BAG X 44

Dipalopalo tsa Aforika Borwa • Statistieke Suid-Afrika • Tistatistiki ta Afrika Ozonde • Tistatistiki kwamanani eNingizimu Afrika

# Statistics of civil cases for debt

March 1999

Co-operation between Statistics South Africa, the citizens of the country, the private sector and government institutions is essential for a successful statistical system. Without continued co-operation and goodwill, the timely release of relevant and reliable official statistics will not be possible.

**Embargo: 11:00  
Date: 24 May 1999**

Stats SA publishes approximately three hundred different 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.



Published by  
Statistics South Africa  
Private Bag X44  
Pretoria  
0001

© Copyright, 1999

Users may apply or process this data, provided Statistics South Africa is acknowledged as the original source of the data; that it is specified that the application and/or analysis is the result of the user's independent processing of the data; and that neither the basic data nor any reprocessed version or application thereof may be sold or offered for sale in any form whatsoever.

## CONTENTS

|  |   |
|--|---|
| <b>KEY FINDINGS</b>  | 1 |
| <b>GRAPHS</b>  |   |
| Number of civil summonses issued and number of civil judgements for debt         | 1 |
| <b>EXPLANATORY NOTES</b>   | 2 |
| <b>TABLES</b>  |   |
| Table 1 - Number of civil cases recorded and summonses for debt issued           | 3 |
| Table 2 - Number of civil cases recorded in selected magistrates offices         | 4 |
| Table 3 - Civil default and consent judgement for debt                           | 5 |
| Table 4 - Small claims courts, litigants referred, summonses issued and hearings | 6 |
| <b>NOTES REGARDING SMALL CLAIMS COURTS</b>                                       | 6 |

**A complete set of Stats SA publications is available in the Stats SA Library, and in the following public libraries:**

State Library, Pretoria  
South African Library, Cape Town  
Natal Society Library, Pietermaritzburg  
Library of Parliament, Cape Town  
Bloemfontein Public Library  
Johannesburg Public Library

Private Bag X44 • 0001 Pretoria • South Africa • Steyn's Building • Steyn's Arcade • 274 Schoeman Street • Pretoria

Users enquiries Tel: +27(12) 310 8600 • Fax: +27(12) 310 8500

E-mail address: [info@statssa.pwv.gov.za](mailto:info@statssa.pwv.gov.za) • Website: <http://www.statssa.gov.za>



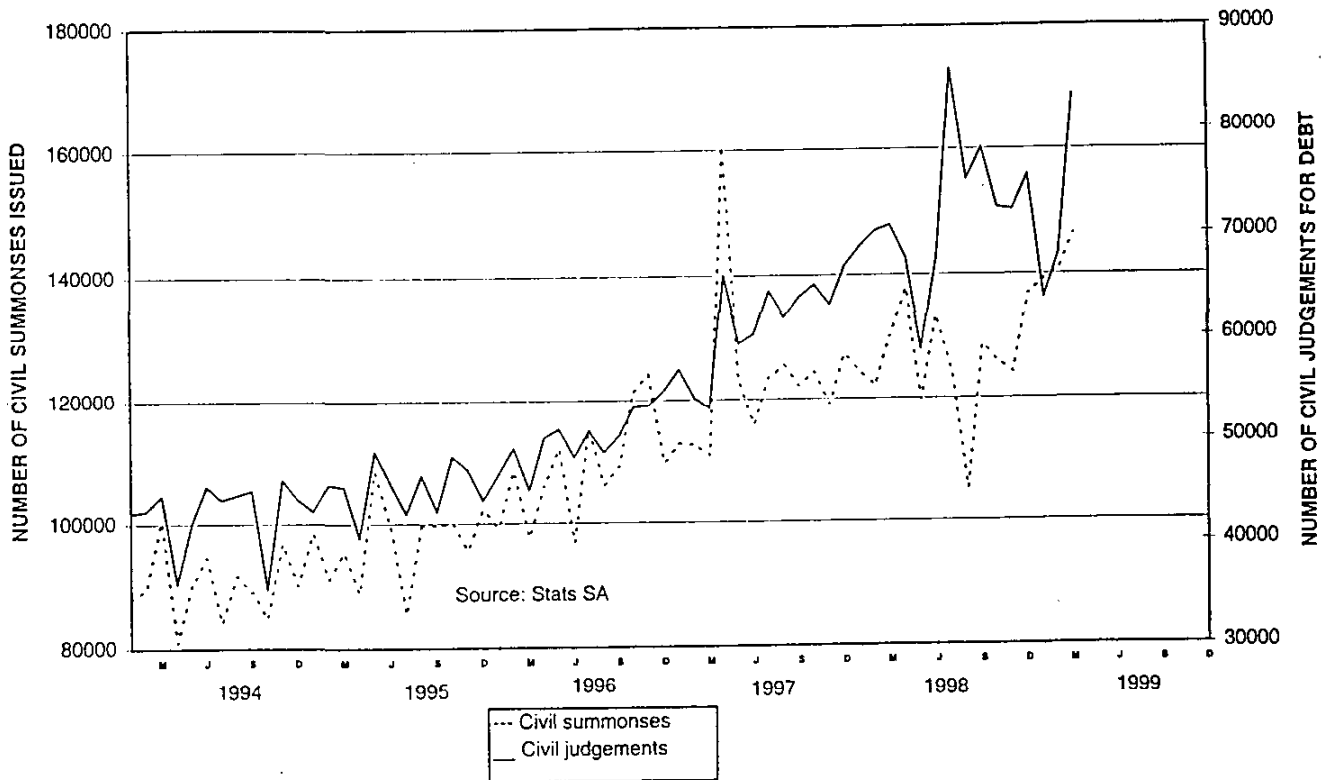
**CIVIL DEBT CASES INCREASE**


*The total number of civil summonses for debt recorded for the first quarter of 1999 reflects an increase of 12,9% (from 355 988 to 401 733) compared with the first quarter of 1998 and, after seasonal adjustment, is 10,2% higher than the preceding quarter. The total number of civil judgements for debt recorded for the first quarter of 1999 increased by 4,9% (from 197 205 to 206 788) compared with the corresponding quarter of 1998, but after seasonal adjustment, is 1,1% lower than the preceding quarter.*

The increase of 12,9% in civil summonses for debt can mainly be attributed to a greater number of civil summonses issued in respect of "other services" (+8,8%) and money lent (+32,7%). During March 1999, 36 535 or 24,5% of the total summonses for debt issued were for civil summonses relating to "other services" while 28 663 or 19,2% were in respect of money lent.

During March 1999, 83 258 civil judgements for debt were issued amounting to R725,6 million. The major contributors to the R725,6 million were civil judgements relating to money lent (R308,4 million) and goods sold on open account (R84,5 million).

**Figure 1 - CIVIL SUMMONSES AND JUDGEMENTS FOR DEBT**



  
 PP  
 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 |
| <b>Actual figures:</b>              |                    |                           |                    |                           |
| Jan. 1999 - Mar. 1999               | 401 733            | 206 788                   | +12,9              | +4,9                      |
| Jan. 1998 - Mar. 1998               | 355 988            | 197 205                   |                    |                           |
| <b>Seasonally adjusted figures:</b> |                    |                           |                    |                           |
| Jan. 1999 - Mar. 1999               | 426 299            | 218 449                   | +10,2              | -1,1                      |
| Oct. 1998 - Dec. 1998               | 386 900            | 220 936                   |                    |                           |

## 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, ejection 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 1 - NUMBER OF CIVIL CASES RECORDED AND SUMMONSES FOR DEBT ISSUED

| Item   | Business enterprises and private persons |         |         |         | Private persons |         |         |         |
|--|--|---------|---------|---------|-----------------|---------|---------|---------|
|  | 1999                                     |         | 1998    |         | 1999            |         | 1998    |         |
|  | Mar.                                     | Feb. *  | Mar.    | Feb. *  | Mar.            | Feb. *  | Mar.    | Feb. *  |
| 1. Cases recorded  | 1 619 083                                | 164 593 | 145 342 | 142 674 | 1 473 808       | 149 424 | 132 939 | 130 378 |
| 1.1 Actual figures   | 159 781                                  | 151 822 | 138 318 |         | 143 681         | 138 638 | 125 255 |         |
| 1.2 Seasonally adjusted  |  |         |         |         |                 |         |         |         |
| 2. Civil summonses for debt  | 1 508 999                                | 149 160 | 135 829 | 132 774 | 1 375 287       | 137 144 | 124 852 | 121 873 |
| 2.1 Total  |  | 146 340 | 140 779 | 129 949 |                 | 132 996 | 128 801 | 118 052 |
| 2.1.1 Actual figures   |  |         |         |         |                 |         |         |         |
| 2.1.2 Seasonally adjusted  |  |         |         |         |                 |         |         |         |
| 2.2 Goods sold   | 234 857                                  | 26 522  | 21 157  | 24 036  | 206 154         | 23 338  | 18 752  | 21 471  |
| 2.2.1 Open account   | 36 053                                   | 3 614   | 4 717   | 3 110   | 31 639          | 3 144   | 4 340   | 2 741   |
| 2.2.2 Instalment sale transactions   |  |         |         |         |                 |         |         |         |
| 2.3 Services   | 175 855                                  | 15 859  | 14 581  | 16 095  | 163 941         | 14 783  | 13 543  | 15 274  |
| 2.3.1 Professional   | 424 975                                  | 36 535  | 34 856  | 33 584  | 394 185         | 34 195  | 32 356  | 30 512  |
| 2.3.2 Other  |  |         |         |         |                 |         |         |         |
| 2.4 Rent   | 63 796                                   | 5 991   | 5 023   | 5 656   | 50 891          | 4 863   | 4 044   | 4 856   |
| 2.5 Money lent   | 261 162                                  | 28 663  | 25 654  | 21 033  | 244 867         | 27 177  | 24 334  | 20 239  |
| 2.6 Promissory notes, bills, R/D cheques, credit cards and other acknowledgments of debt | 107 581                                  | 11 462  | 10 660  | 9 509   | 96 912          | 10 607  | 9 780   | 8 645   |
| 2.7 Other  | 204 720                                  | 20 514  | 19 181  | 19 751  | 186 698         | 19 037  | 17 703  | 18 135  |

\* Revised

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                          | 2 256        |
| 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          |
| D             | 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        |

TABLE 3 - CIVIL DEFAULT AND CONSENT JUDGEMENTS FOR DEBT

| Item   | Business enterprises and private persons |         |         |         |           |         | Private persons |         |           |         |         |         |           |         |
|--|--|---------|---------|---------|-----------|---------|-----------------|---------|-----------|---------|---------|---------|-----------|---------|
|  | 1999                                     |         | 1999    |         | 1998      |         | 1999            |         | 1999      |         | 1998    |         |           |         |
|  | Mar.                                     | Feb.*   | Mar.    | Feb.*   | Mar.      | Feb.*   | Mar.            | Feb.*   | Mar.      | Feb.*   | Mar.    |         |           |         |
|  | Number                                   |         |         |         |           |         |                 |         |           |         |         |         |           |         |
| 1. Judgments   |  |         |         |         |           |         |                 |         |           |         |         |         |           |         |
| 1.1 Total  | 864 554                                  | 83 258  | 66 944  | 70 932  | 812 495   | 78 188  | 63 082          | 65 589  | 83 210    | 71 613  | 70 699  | 79 030  | 67 186    | 66 069  |
| 1.1.1 Actual figures   |  |         |         |         |           |         |                 |         |           |         |         |         |           |         |
| 1.1.2 Seasonally adjusted  |  |         |         |         |           |         |                 |         |           |         |         |         |           |         |
| 1.2 Goods sold   | 133 896                                  | 14 223  | 11 286  | 11 029  | 120 892   | 13 054  | 10 225          | 9 889   | 16 170    | 1 687   | 2 344   | 1 586   | 1 176     | 2 223   |
| 1.2.1 Open account   |  |         |         |         |           |         |                 |         |           |         |         |         |           |         |
| 1.2.2 Instalment sale transactions   |  |         |         |         |           |         |                 |         |           |         |         |         |           |         |
| 1.3 Services   | 97 052                                   | 8 941   | 7 262   | 8 465   | 94 501    | 8 657   | 7 047           | 8 289   | 199 715   | 14 391  | 14 737  | 13 507  | 9 099     | 13 008  |
| 1.3.1 Professional   |  |         |         |         |           |         |                 |         |           |         |         |         |           |         |
| 1.3.2 Other  |  |         |         |         |           |         |                 |         |           |         |         |         |           |         |
| 1.4 Rent   | 32 484                                   | 3 759   | 2 523   | 2 542   | 24 858    | 2 633   | 2 040           | 2 142   | 185 153   | 20 766  | 14 139  | 182 020 | 17 800    | 13 839  |
| 1.5 Money lent   | 65 086                                   | 5 959   | 5 391   | 6 406   | 60 786    | 5 567   | 4 983           | 5 543   |           |         |         |         |           |         |
| 1.6 Promissory notes, bills,<br>R/D cheques, credit cards<br>and other acknowledgements<br>of debt |  |         |         |         |           |         |                 |         |           |         |         |         |           |         |
| 1.7 Other  | 134 998                                  | 13 532  | 11 379  | 11 270  | 127 502   | 12 703  | 10 712          | 10 656  |           |         |         |         |           |         |
|  | R1 000                                   |         |         |         |           |         |                 |         |           |         |         |         |           |         |
| 1. Judgments   |  |         |         |         |           |         |                 |         |           |         |         |         |           |         |
| 1.1 Total  | 6 388 098                                | 725 566 | 687 611 | 505 247 | 5 475 146 | 623 303 | 465 209         | 429 706 | 547 637   | 84 471  | 50 523  | 47 322  | 366 703   | 67 454  |
| 1.2 Goods sold   | 322 633                                  | 44 660  | 25 351  | 28 562  | 281 936   | 36 330  | 22 180          | 25 747  |           |         |         |         |           |         |
| 1.2.1 Open account   |  |         |         |         |           |         |                 |         |           |         |         |         |           |         |
| 1.2.2 Instalment sale transactions   |  |         |         |         |           |         |                 |         |           |         |         |         |           |         |
| 1.3 Services   | 169 718                                  | 18 322  | 12 318  | 15 522  | 151 378   | 16 845  | 10 869          | 14 677  | 494 851   | 36 253  | 36 243  | 40 912  | 418 555   | 29 987  |
| 1.3.1 Professional   |  |         |         |         |           |         |                 |         |           |         |         |         |           |         |
| 1.3.2 Other  |  |         |         |         |           |         |                 |         |           |         |         |         |           |         |
| 1.4 Rent   | 224 191                                  | 24 602  | 17 683  | 18 640  | 165 551   | 17 250  | 11 614          | 13 376  | 2 413 180 | 308 395 | 276 875 | 183 338 | 2 255 045 | 288 280 |
| 1.5 Money lent   | 638 841                                  | 47 069  | 43 395  | 70 889  | 553 328   | 41 555  | 38 735          | 65 088  |           |         |         |         |           |         |
| 1.6 Promissory notes, bills,<br>R/D cheques, credit cards<br>and other acknowledgements<br>of debt |  |         |         |         |           |         |                 |         |           |         |         |         |           |         |
| 1.7 Other  | 1 577 047                                | 161 794 | 225 223 | 100 062 | 1 282 650 | 125 602 | 74 573          | 77 642  |           |         |         |         |           |         |

\* Revised

## 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

- "Courts" relate to the total number of small claims courts at the end of the months as indicated.
- "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