

# Statistics of civil cases for debt

March 2000

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### Key figures for the month ended March 2000

#### Actual estimates

	March 2000	% change between March 1999 and March 2000	% change between October 1999 to December 1999 and January 2000 to March 2000	% change between January 1999 to March 1999 and January 2000 to March 2000
Number of civil summonses for debt	138 216	-7,3	3,4	-2,1
Number of civil judgements for debt	88 930	+6,8	-4,2	+20,3
Value of civil judgements for debt (R million)	637,1	-12,2	+6,5	-11,7

#### Seasonally adjusted estimates

	March 2000	% change between February 2000 and March 2000	% change between October 1999 to December 1999 and January 2000 to March 2000
Number of civil summonses for debt	131 236	-7,4	+4,3
Number of civil judgements for debt	86 716	-10,0	+0,3
Value of civil judgements for debt (R million)	601,0	0,5	+3,9

### Key findings for the month ended March 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 first quarter of 2000 decreased by 2,1% (from 401 733 to 393 329) compared with the first quarter of 1999. However, the total number of civil summonses for debt issued for the first quarter of 2000, after seasonal adjustment, is 4,3% higher than the fourth quarter of 1999.*

The major contributors to the decrease of 2,1% in the number of civil summonses for debt issued were civil summonses issued in respect of promissory notes, bills, RD cheques, credit cards and other acknowledgements of debt (-1,3 percentage points), instalment sale transactions (-0,3 of a percentage point) and goods sold on account (-0,3 of a percentage point).

**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 first quarter of 2000 increased by 20,3% (from 206 788 to 248 730) compared with the first quarter of 1999. Furthermore, the total number of civil judgements for debt recorded for the first quarter of 2000, after seasonal adjustment, is 0,3% higher than the last quarter of 1999.*

The major contributors to the increase of 20,3% in the number of civil judgements for debt recorded were civil judgements recorded in respect of services (+8,1 percentage points), money lent (+3,9 percentage points) and promissory notes, bills, RD cheques, credit cards and other acknowledgements of debt (+3,7 percentage points).

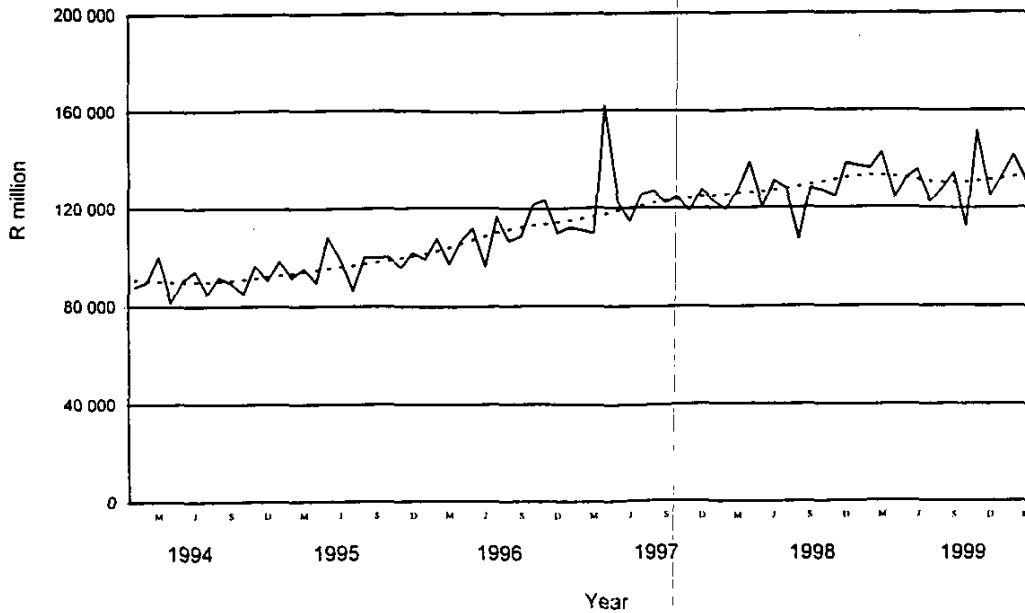
**The total value of civil judgements for debt recorded lower than a year ago**

*The total value of civil judgements for debt recorded for the first quarter of 2000 decreased by 11,7% (-R231,0 million) compared with the first quarter of 1999. However, the total value of civil judgements for debt recorded for the first quarter of 2000, after seasonal adjustment, reflected an increase of 3,9% compared with the fourth quarter of 1999.*

The major contributors to the decrease of 11,7% in the value of civil judgements for debt recorded were civil judgements recorded in respect of money lent (-9,8 percentage points) and goods sold on account (-1,2 percentage points).

During March 2000, 88 930 civil judgements for debt were issued amounting to R637,1 million. The largest contributors to the R637,1 million were civil judgements relating to money lent (35,5% or R226,1 million), followed by promissory notes, bills, RD cheques, credit cards and other acknowledgements of debt (13,7% or R87,6 million) and goods sold on open account (10,0% or R63,9 million).

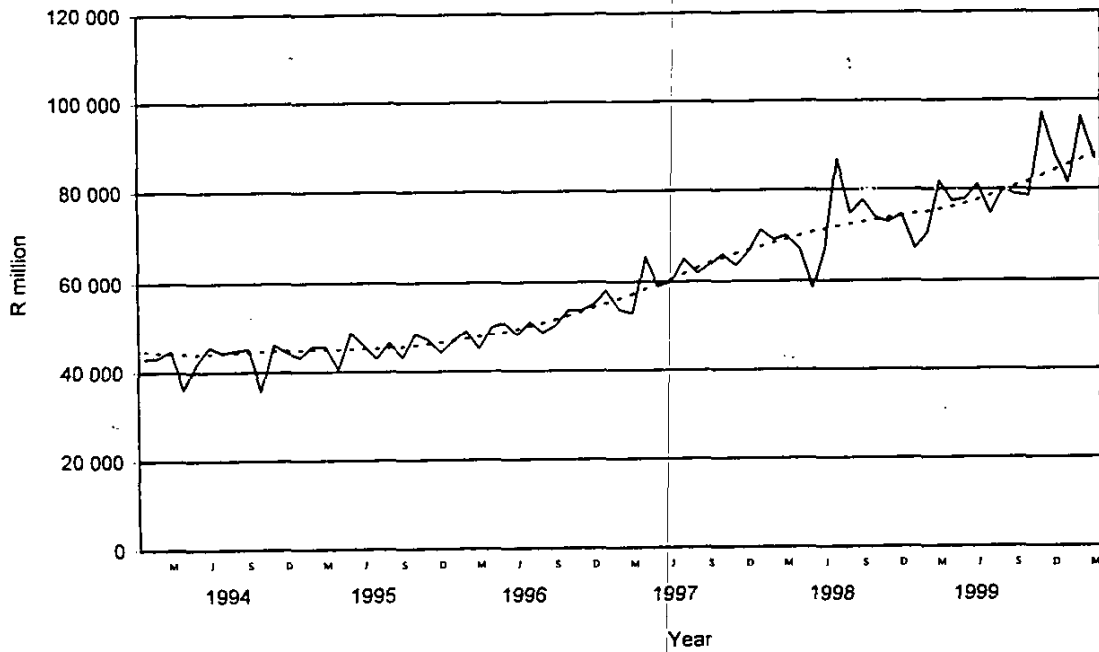
Figure 1 - Civil summonses for debt



Source : Stats SA

— Seasonally adjusted — Trend

Figure 2 - Civil judgements for debt



Source : Stats SA

— Seasonally adjusted — Trend

pp *Mayra*  
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## Notes

**Forthcoming issues****Issue****Expected release date**

April 2000

22 June 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 1 - Number of civil cases recorded and summonses for debt issued according to business enterprises and private persons

Item	Business enterprises and private persons					
	Business enterprises			Private persons		
	1999	2000	1999	2000	1999	2000
1. Cases recorded	1 724 508	157 314	160 772	164 593	1 566 308	140 696
1.1 Actual figures		147 857	162 493	156 013		131 212
1.2 Seasonally adjusted						141 108
2. Civil summonses for debt						
2.1 Goods sold	248 327	25 509	22 927	26 522	222 265	22 915
2.1.1 Open account	36 492	3 585	3 411	3 614	31 617	2 958
2.1.2 Instalment sale transactions						2 618
2.2 Services	179 651	17 191	16 936	15 859	165 429	16 040
2.2.1 Professional	383 219	34 571	34 659	36 535	353 504	31 423
2.2.2 Other						31 333
2.3 Rent	61 042	6 241	6 703	5 991	49 739	4 823
2.4 Money lent	335 431	26 298	26 458	28 663	317 011	24 479
2.5 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	116 681	7 335	9 028	11 462	108 133	6 372
2.6 Other	221 046	17 485	21 271	20 514	197 941	15 464
2.7 Total	1 581 888	138 216	141 393	149 160	1 445 638	124 474
2.7.1 Actual figures		131 236	141 718	142 767		117 054
2.7.2 Seasonally adjusted						124 248
						130 079

Table 2 - Number of civil cases recorded according to 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	6 083	4 678	2 417
F	18 081	10 629	3 529	1 840	3 453	12 037	9 349	6 721	3 844	18 499	5 302	3 361
M	21 376	9 636	5 075	1 957	3 244	9 826	9 349	7 719	4 694	10 326	4 610	3 246



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							
	1999		2000		1999		2000		1999		2000		1999	
	Mar.	Feb.	Mar.	Feb.	Mar.	Feb.	Mar.	Feb.	Mar.	Feb.	Mar.	Feb.	Mar.	
1. Judgements														
1.1 Goods sold														
1.2.1 Open account	154 385	13 444	12 526	14 223	8 941	14 223	141 197	12 554	11 628	13 054				
1.2.2 Instalment sale transactions	19 410	1 989	1 823	1 687	1 687	17 842	17 842	1 866	1 685	1 586				
1.3 Services														
1.3.1 Professional	99 284	9 528	9 041	8 941	8 941	95 548	95 548	9 298	8 799	8 657				
1.3.2 Other	172 270	18 205	17 398	14 391	14 391	162 618	162 618	17 464	16 659	13 507				
1.4 Rent	34 234	3 414	4 285	3 759	3 759	27 489	27 489	2 976	3 594	2 633				
1.5 Money lent	237 531	20 903	22 837	20 766	20 766	233 668	233 668	20 488	22 448	20 481				
1.6 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	74 310	8 694	9 411	5 959	5 959	69 580	69 580	8 289	9 118	5 567				
1.7 Other	161 826	12 753	14 084	13 532	13 532	151 915	151 915	11 926	13 364	12 703				
1.8 Total														
1.8.1 Actual figures	953 250	88 930	91 405	83 258	83 258	899 859	899 859	84 862	87 294	78 188				
1.8.2 Seasonally adjusted														
		86 716	96 320	81 719	81 719	83 859	83 859	91 465	91 465	77 736				

Table 4 - Value 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	1999	2000	1999	2000
	Mar.	Feb.	Mar.	Mar.	Feb.	Mar.
1. Judgements						
1.1 Goods sold	682 500	63 858	58 012	84 471	470 242	51 735
1.1.1 Open account	410 259	37 120	32 311	44 660	340 774	33 485
1.1.1.2 Instalment sale transactions						
1.2 Services	203 834	15 816	14 798	18 322	179 121	14 477
1.2.1 Professional	529 253	55 364	48 254	36 253	446 695	46 317
1.2.2 Other						
1.3 Rent	256 378	21 585	23 108	24 602	185 702	15 997
1.4 Money lent	3 070 082	226 072	230 798	308 395	2 842 060	206 150
1.5 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	643 181	87 560	68 887	47 069	569 021	81 163
1.6 Other	1 993 275	129 729	124 799	161 794	1 436 202	100 573
1.7 Total	7 788 763	637 103	600 967	725 566	6 469 817	549 896
					510 526	623 303

**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 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 March 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>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. 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.

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