

P0041

Statistics of civil cases for debt

March 2003

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Key figures for the month ended March 2003

Actual estimates	March 2003	% change between March 2002 and March 2003	% change between January 2002 to March 2002 and January 2003 to March 2003
Number of civil summonses issued for debt	142 849	+10,9	+5,5
Number of civil judgements recorded for debt	91 922	+19,1	+21,0
Value of civil judgements recorded for debt (R million)	745,2	+5,1	-19,7

Seasonally adjusted estimates	March 2003	% change between February 2003 and March 2003	% change between October 2002 to December 2002 and January 2003 to March 2003
Number of civil summonses issued for debt	134 542	-2,2	-2,1
Number of civil judgements recorded for debt	91 761	-2,1	+6,8
Value of civil judgements recorded for debt (R million)	633,1	+8,8	+3,4

Key findings as at the end of March 2003

The total number of civil summonses for debt decreases

The total number of civil summonses issued for debt for the first quarter of 2003, after seasonal adjustment, decreased by 2,1% compared with the last quarter of 2002. However, the total number of civil summonses issued for debt for the first quarter of 2003 increased by 5,5% compared with the first quarter of 2002.

The major contributor to the increase of 5,5% in civil summonses issued for debt for the first quarter of 2003 compared with the first quarter of 2002 was civil summonses issued in respect of money lent (+4,7 percentage points).

The total number of civil judgements recorded for debt increases

The total number of civil judgements recorded for debt for the first quarter of 2003, after seasonal adjustment, increased by 6,8% compared with the last quarter of 2002. Furthermore, the total number of civil judgements recorded for debt for the first quarter of 2003 increased by 21,0% compared with the first quarter of 2002.

The major contributors to the increase of 21,0% in the number of civil judgements recorded for debt for the first quarter of 2003 compared with the first quarter of 2002 were civil judgements recorded in respect of money lent (+10,7 percentage points), 'other' debts (+5,2 percentage points) and 'other' services (+3,1 percentage points).

The total value of civil judgements recorded for debt increases

The total value of civil judgements recorded for debt for the first quarter of 2003, after seasonal adjustment, increased by 3,4% compared with the last quarter of 2002. However, the total value of civil judgements recorded for debt for the first quarter of 2003 decreased by 19,7% compared with the first quarter of 2002.

The major contributors to the decrease of 19,7% in the value of civil judgements recorded for debt for the first quarter of 2003 compared with the first quarter of 2002 were civil judgements recorded in respect of money lent (-10,1 percentage points), 'other' services (-4,8 percentage points) and 'other' debts (-3,0 percentage points).

During March 2003, 91 922 civil judgements for debt amounted to R745,2 million. The largest contributors to the R745,2 million were civil judgements relating to money lent (34,8% or R259,2 million) and 'other' debts (21,8% or R162,2 million).

Notes

Forthcoming issues	Issue	Expected release date
	April 2003	26 June 2003
	May 2003	24 July 2003
	June 2003	21 August 2003
	July 2003	25 September 2003
	August 2003	23 October 2003
	September 2003	20 November 2003
	October 2003	18 December 2003
	November 2003	22 January 2004
	December 2003	19 February 2004

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 surveys collect 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 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 March was 84,8%</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.
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 refer to dishonoured cheques. The drawer is the owner of the cheque.

(RD) cheques

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.

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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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			
	2002	2002	2003	2003	2002	2002	2003	2003
		Mar.	Feb.	Mar.		Mar.	Feb.	Mar.
Number								
1. Cases recorded								
1.1 Actual figures	1 767 972	142 696	159 822	157 504	1 621 373	130 487	147 865	145 264
1.2 Seasonally adjusted		133 943	154 919	148 904		122 315	144 097	137 040
2. Civil summonses for debt								
2.2 Goods sold								
2.2.1 Open account	223 861	17 065	21 390	19 890	199 061	15 365	18 702	17 451
2.2.2 Instalment sale transactions	49 300	3 559	3 352	3 904	44 575	3 184	3 052	3 444
2.3 Services								
2.3.1 Professional	160 975	13 091	14 198	13 365	153 212	12 524	13 340	12 584
2.3.2 Other	279 104	26 351	24 047	25 804	261 487	24 952	21 811	23 998
2.4 Rent	82 479	6 169	7 614	7 345	67 585	4 822	6 365	5 905
2.5 Money lent	424 521	33 315	42 650	41 844	408 465	32 033	41 094	40 428
2.6 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	120 050	9 313	10 204	10 826	108 624	8 424	9 402	10 029
2.7 Other	238 515	19 930	17 238	19 871	208 748	16 853	15 901	17 815
2.7 Total								
2.7.1 Actual figures	1 578 805	128 793	140 693	142 849	1 451 756	118 157	129 666	131 654
2.7.2 Seasonally adjusted		120 762	137 583	134 542		110 732	126 925	123 985

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
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
2002	200 806	98 361	32 159	20 667	39 642	135 995	150 355	74 363	42 837	162 978	29 548	42 588
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	14 132	6 109	2 386	943	3 340	10 140	10 951	6 295	3 116	12 321	2 187	3 947
J	17 194	8 335	2 747	990	4 818	9 948	13 946	6 850	4 010	12 357	4 442	4 297
A	14 614	7 400	2 926	990	2 900	10 487	11 742	6 044	3 351	14 219	2 552	4 266
S	17 873	6 999	3 184	990	2 724	10 283	13 822	5 584	3 480	11 698	1 984	4 417
O	19 587	10 551	3 184	990	3 579	13 578	13 822	6 869	4 539	18 602	2 241	2 810
N	22 178	5 970	3 466	990	2 501	16 979	13 822	7 732	4 881	15 955	2 880	3 005
D	13 846	4 090	2 557	4 755	2 341	8 497	8 967	6 293	3 818	10 107	1 516	3 163
2003 - J	14 177	7 468	2 485	4 755	2 845	8 389	8 967	4 122	4 833	14 363	1 908	4 578
F	16 617	9 707	3 828	2 028	2 708	11 544	12 822	6 445	5 998	16 259	2 819	6 164
M	15 098	10 104	3 091	2 017	2 941	11 797	14 690	8 256	5 590	12 175	3 056	6 164

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			
	2002	2002	2003	2003	2002	2002	2003	2003
		Mar.	Feb.	Mar.		Mar.	Feb.	Mar.
Number								
1. Judgements								
1.1 Goods sold								
1.1.1 Open account	126 628	10 580	10 829	12 312	117 250	9 907	9 997	11 441
1.1.2 Instalment sale transactions	19 199	2 489	1 622	1 764	17 504	2 365	1 451	1 615
1.2 Services								
1.2.1 Professional	87 470	6 786	7 121	7 413	84 703	6 658	6 857	7 167
1.2.2 Other	141 975	9 898	12 341	11 717	134 423	9 455	11 563	11 066
1.3 Rent	40 908	3 384	2 754	3 016	33 333	2 742	2 147	2 383
1.4 Money lent	353 534	27 378	38 246	33 606	342 101	27 032	37 513	32 807
1.5 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	89 667	7 244	8 353	8 248	84 318	7 066	8 105	7 975
1.6 Other	115 448	9 398	13 583	13 846	107 653	8 768	12 632	12 643
1.7 Total								
1.7.1 Actual figures	974 829	77 157	94 849	91 922	921 288	73 994	90 265	87 098
1.7.2 Seasonally adjusted		76 318	93 746	91 760		73 312	90 312	87 074

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			
	2002	2002	2003	2003	2002	2002	2003	2003
		Mar.	Feb.	Mar.		Mar.	Feb.	Mar.
	R1 000							
1. Judgements								
1.1 Goods sold								
1.1.1 Open account	700 636	59 946	58 302	58 757	566 069	49 398	53 701	54 523
1.1.2 Instalment sale transactions	372 769	24 393	19 900	23 873	319 937	21 096	17 939	20 307
1.2 Services								
1.2.1 Professional	198 575	14 612	16 586	17 173	178 992	13 033	15 002	15 107
1.2.2 Other	704 819	52 534	47 585	52 114	634 849	47 945	41 547	45 233
1.3 Rent	285 870	27 949	19 118	22 814	200 262	17 988	14 350	15 903
1.4 Money lent	2 913 589	265 734	274 868	259 195	2 715 389	257 038	260 464	237 548
1.5 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	629 408	65 263	59 749	149 094	515 452	60 785	49 709	140 943
1.6 Other	1 663 897	198 919	146 811	162 174	1 170 800	176 108	154 054	163 831
1.7 Total								
1.7.1 Actual figures	7 469 563	709 350	642 919	745 194	6 301 749	643 393	606 765	693 395
1.7.2 Seasonally adjusted		606 668	582 073			539 271	552 068	575 805

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