

Statistics of civil cases for debt

May 1999

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CIVIL DEBT CASES CONTINUE TO INCREASE

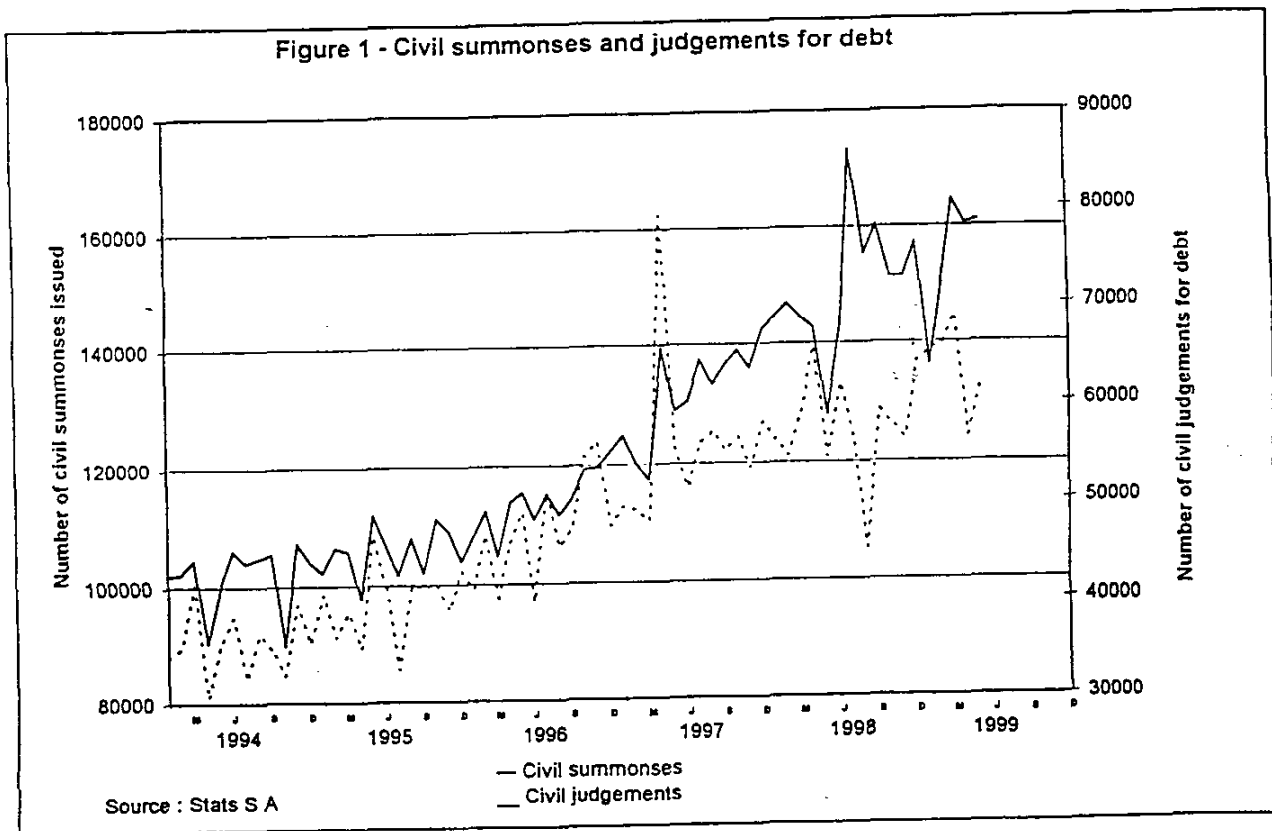
The total number of civil summonses for debt recorded for the three months up to May 1999 increased by 3,9% (from 393 896 to 409 356) compared with the corresponding period of a year ago. However, the total number of civil summonses for debt recorded for the three months up to May 1999, after seasonal adjustment, is 3,1% lower than the preceding three months.

The total number of civil judgements for debt recorded for the three months up to May 1999 increased by 21,9% (from 196 507 to 239 457) compared with the corresponding period of a year ago. Furthermore, the total number of civil judgements for debt recorded for the three months up to May 1999, after seasonal adjustment, is 11,8% higher than the preceding three months.

The largest contributors to the 3,9% increase in civil summonses for debt were summonses relating to money lent (+27,3%) and goods sold on open account (+10,9%). During May 1999, 26,9% or 37 323 of the total summonses issued were for civil summonses relating to "other services" while 19,0% or 26 430 were in respect of money lent.

During May 1999, 82 527 civil judgements for debt were issued amounting to R715,1 million. The major contributor to the R715,1 million was civil judgements relating to money lent (35,5% or R253,7 million), followed by civil judgements in respect of promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt (8,8% or R62,7 million) and goods sold on open account (8,4% or R60,3 million).

Figure 1 - Civil summonses and judgements for debt



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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
Actual figures:				
Mar. 1999 - May 1999	409 356	239 457	+3,9	+21,9
Mar. 1998 - May 1998	393 896	196 507		
Seasonally adjusted figures:				
Mar. 1999 - May 1999	402 156	237 521	-3,1	+11,8
Dec. 1998 - Feb. 1999	415 004	212 374		

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		1999		1998		1999		1999		1998	
	May	Apr.	May	Apr.	May	Apr.	May	Apr.	May	Apr.	May	
1. Cases recorded												
1.1 Actual figures	1 619 083	151 753	131 820	134 562	1 473 808	133 561	119 083	121 491				
1.2 Seasonally adjusted		145 267	135 676	128 485		128 147	121 788	116 180				
2. Civil summonses for debt												
2.1 Total	1 508 999	138 800	121 396	126 196	1 375 287	122 451	111 724	114 299				
2.1.1 Actual figures		133 315	124 274	120 904		117 664	113 479	109 428				
2.1.2 Seasonally adjusted												
2.2 Goods sold	234 857	22 379	19 828	18 282	206 154	20 206	17 930	15 868				
2.2.1 Open account	36 053	3 391	2 812	2 591	31 639	2 278	2 532	2 184				
2.2.2 Instalment sale transactions												
2.3 Services	175 855	16 002	14 689	15 339	163 941	14 438	13 912	14 315				
2.3.1 Professional	424 975	37 323	28 468	37 389	394 185	31 568	26 376	34 039				
2.3.2 Other												
2.4 Rent	63 796	5 034	4 870	5 483	50 891	4 134	3 995	4 600				
2.5 Money lent	261 162	26 430	24 406	21 435	244 867	24 163	23 062	20 082				
2.6 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	107 581	9 199	8 838	8 826	96 912	8 585	8 159	7 950				
2.7 Other	204 720	19 042	17 305	16 051	186 690	17 079	15 758	15 261				

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 and Vanderbijlpark	Vereniging and Bloemfontein
1997	180 497	135 070	19 317	7 862	32 125	104 135	171 300	97 837	36 152	115 062	48 943
1998	181 024	143 677	27 688	7 915	29 362	110 846	135 470	86 872	47 613	113 826	40 305
1998 - J	10 414	7 305	1 749	498	2 946	6 800	11 125	5 585	3 006	8 772	2 271
F	15 957	7 851	2 117	493	2 073	8 450	10 956	7 383	3 503	8 881	3 374
M	17 248	10 074	2 290	697	2 663	10 504	11 170	8 489	3 555	10 521	3 190
A	15 936	14 132	1 880	653	2 250	9 613	18 788	8 841	3 433	9 124	3 085
M	15 160	13 035	1 946	744	2 270	11 174	10 114	8 444	5 541	9 099	2 373
J	17 145	15 984	2 879	803	2 275	11 287	13 118	7 541	4 044	10 326	7 294
J	20 355	10 790	3 176	840	2 820	11 312	10 123	6 306	6 746	11 257	2 728
A	12 514	10 694	2 844	563	2 314	9 546	9 833	4 922	4 028	8 009	2 549
S	14 367	16 388	2 078	643	2 152	11 218	10 850	7 912	3 681	8 883	2 726
O	13 306	18 454	2 613	711	2 670	7 752	13 161	7 093	3 555	9 357	2 497
N	15 558	9 787	2 078	664	2 940	7 353	7 718	8 045	4 060	11 538	3 298
D	13 064	9 183	2 038	606	1 989	5 837	8 504	6 311	2 461	8 059	4 920
1999 - J	12 520	14 821	4 475	774	2 372	7 524	6 389	5 737	2 312	8 543	4 197
F	16 750	7 212	1 889	1 266	2 840	9 869	20 995	6 772	4 753	10 529	5 099
M	17 963	7 700	5 594	1 470	2 791	13 314	13 003	7 606	3 608	14 386	4 282
A	14 598	11 130	3 018	870	2 692	9 251	9 928	7 216	2 713	8 187	3 516
M	19 003	15 590	1 753	1 899	3 535	9 182	8 993	7 297	3 758	10 494	4 797

TABLE 3 - CIVIL DEFAULT AND CONSENT JUDGEMENTS FOR DEBT

Item	Business enterprises and private persons				Private persons			
	1999		1998		1999		1998	
	May	Apr.	May	Apr.	May	Apr.	May	
	Number							
1. Judgements								
1.1 Total	864 554	82 527	73 672	61 890	812 495	77 888	69 292	57 547
1.1.1 Actual figures	78 559	78 275	58 797			74 197	74 663	54 542
1.1.1.2 Seasonally adjusted								
1.2 Goods sold	133 896	13 331	12 527	10 427	120 892	12 068	11 452	9 468
1.2.1 Open account	16 170	1 697	1 576	1 053	14 675	1 556	1 441	971
1.2.2 Instalment sale transactions								
1.3 Services	97 052	9 455	7 916	7 586	94 501	9 163	7 558	7 394
1.3.1 Professional	199 715	14 643	14 212	12 702	187 261	13 770	13 273	11 319
1.3.2 Other								
1.4 Rent	32 484	2 818	2 560	3 144	24 858	2 314	1 975	2 509
1.5 Money lent	185 153	20 724	19 351	13 460	182 020	20 279	19 040	13 223
1.6 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	65 086	6 443	4 771	4 179	60 786	6 029	4 306	3 845
1.7 Other	134 998	13 416	10 759	9 339	127 502	12 639	10 247	8 818
	R1 000							
1. Judgements								
1.1 Total	6 388 098	715 118	596 096	460 856	5 475 146	612 418	526 387	392 979
1.2 Goods sold	547 637	60 255	48 958	44 427	366 703	37 011	34 894	32 002
1.2.1 Open account	322 633	36 800	30 853	24 839	281 936	31 383	28 126	19 957
1.2.2 Instalment sale transactions								
1.3 Services	169 718	17 187	15 381	13 764	151 378	14 657	13 666	13 248
1.3.1 Professional	494 851	54 277	48 068	44 134	418 555	47 517	41 508	38 415
1.3.2 Other								
1.4 Rent	224 191	25 660	19 590	23 883	165 551	19 246	14 637	20 507
1.5 Money lent	2 413 180	253 737	257 614	178 329	2 255 045	234 631	243 677	161 929
1.6 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	638 841	62 676	46 038	40 935	553 328	56 765	40 546	33 687
1.7 Other	1 577 047	204 526	129 594	90 545	1 282 650	171 208	109 333	73 234

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