



Statistics of civil cases for debt

May 2001

Co-operation between Statistics South Africa (Stats SA), 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.

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Key figures for the month ended May 2001

Actual estimates	May 2001	% change between May 2000 and May 2001	% change between March 2000 to May 2000 and March 2001 to May 2001	% change between January 2000 to May 2000 and January 2001 to May 2001
Number of civil summonses issued for debt	148 757	-2,3	+6,1	+2,8
Number of civil judgements recorded for debt	91 958	-6,5	-3,2	+0,1
Value of civil judgements recorded for debt (R million)	829,3	+30,9	+30,2	+34,7

Seasonally adjusted estimates

	May 2001	% change between April 2001 and May 2001	% change between December 2000 to February 2001 and March 2001 to May 2001
Number of civil summonses issued for debt	137 222	+4,1	+3,0
Number of civil judgements recorded for debt	82 765	+6,3	-4,6
Value of civil judgements recorded for debt (R million)	790,9	+18,3	+4,8

Key findings for the month ended May 2001

The total number of civil summonses issued for debt increases

The total number of civil summonses issued for debt for the three months ended May 2001, after seasonal adjustment, increased by 3,0% compared with the previous three months. Furthermore, the total number of civil summonses issued for debt for the three months ended May 2001 increased by 6,1% compared with the three months ended May 2000. The total number of civil summonses issued for debt for the first five months of 2001 increased by 2,8% compared with the first five months of 2000.

The major contributors to the increase of 6,1% in civil summonses issued for debt for the three months ended May 2001 compared with the three months ended May 2000 were civil summonses issued in respect of money lent (+2,2 percentage points), rent (+1,9 percentage points), promissory notes (+1,9 percentage points) and 'other' debts (+1,8 percentage points). These increases were partially counteracted by a decrease in 'other' services (-2,1 percentage points).

The total number of civil judgements recorded for debt decreases

The total number of civil judgements recorded for debt for the three months ended May 2001, after seasonal adjustment, decreased by 4,6% compared with the previous three months. Furthermore, the total number of civil judgements recorded for debt for the three months ended May 2001 decreased by 3,2% compared with the three months ended May 2000. However, the total number of civil judgements recorded for debt for the first five months of 2001 increased by 0,1% compared with the first five months of 2000.

The major contributors to the decrease of 3,2% in the number of civil judgements recorded for debt for the three months ended May 2001 compared with the three months ended May 2000 were civil judgements recorded in respect of 'other' services (-4,3 percentage points), goods sold on open account (-3,2 percentage points), professional services (-2,0 percentage points) and promissory notes (-1,6 percentage points). However, these decreases were partially counteracted by increases in the number of judgements recorded for debt relating to money lent (+5,0 percentage points) and 'other' debts (+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 three months ended May 2001, after seasonal adjustment, increased by 4,8% compared with the previous three months. Furthermore, the total value of civil judgements recorded for debt for the three months ended May 2001 increased by 30,2% compared with the three months ended May 2000. The total value of civil judgements recorded for debt for the first five months of 2001 increased by 34,7% compared with the first five months of 2000.

The major contributor to the increase of 30,2% in the value of civil judgements recorded for debt for the three months ended May 2001 compared with the three months ended May 2000 was civil judgements recorded in respect of 'other' debts (+27,4 percentage points) and money lent (+3,8 percentage points).

During May 2001, 91 958 civil judgements for debt amounted to R829,3 million. The largest contributors to the R829,3 million were civil judgements relating to 'other' debts (30,6% or R254,1 million) and money lent (30,6% or R253, million).

Notes

Forthcoming issues	Issue	Expected release date
	June 2001	23 August 2001
	July 2001	27 September 2001
	August 2001	15 October 2001
	September 2001	22 November 2001
	October 2001	20 December 2001
	November 2001	24 January 2002
	December 2001	21 February 2002
 Purpose of the survey	<p>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.</p>	

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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

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 May 1995. A comparison with the period prior to May 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 May was 89%</p>

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			
	2000	2000	2001	2001	2000	2000	2001	2001
		May	Apr.	May		May	Apr.	May
1. Cases recorded								
1.1 Actual figures	1 760 348	172 897	145 632	172 980	1 586 605	155 843	133 250	157 834
1.2 Seasonally adjusted		159 435	153 129	159 208		148 993	141 592	151 287
2. Civil summonses for debt								
2.1 Goods sold								
2.1.1 Open account	256 571	26 506	21 360	27 139	228 045	23 208	19 035	24 673
2.1.2 Instalment sale transactions	38 918	3 102	4 403	4 211	32 674	2 443	4 032	3 811
2.2 Services								
2.2.1 Professional	181 817	17 439	13 857	16 430	167 564	15 940	13 342	15 790
2.2.2 Other	389 839	35 866	28 213	29 264	361 550	33 423	26 577	27 376
2.3 Rent	67 099	7 008	7 324	8 034	52 761	5 792	6 157	6 320
2.4 Money lent	317 792	32 531	24 869	32 042	297 042	30 517	23 420	30 591
2.5 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	106 226	9 579	9 028	10 598	92 352	7 877	7 649	8 883
2.6 Other	220 187	20 284	15 967	21 039	194 931	18 073	13 961	18 842
2.7 Total								
2.7.1 Actual figures	1 578 449	152 315	125 021	148 757	1 426 912	137 271	114 173	136 287
2.7.2 Seasonally adjusted		140 831	131 786	137 222		128 286	120 359	127 288

Table 2 - 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
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
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
2000 - J	10 668	11 056	5 408	1 161	2 093	7 620	9 349	7 528	3 221	8 083	4 678	2 417
F	18 081	10 629	3 529	1 840	3 453	12 037	9 665	6 721	3 844	18 499	5 302	3 361
M	21 376	9 636	5 075	1 957	3 244	9 826	12 368	7 719	4 694	10 326	4 610	3 246
A	18 080	4 931	2 405	1 221	2 453	8 514	7 207	6 803	3 206	8 614	2 581	1 230
M	21 903	10 615	1 787	1 657	2 763	9 729	9 615	7 109	5 149	21 124	3 702	2 374
J	17 375	7 860	2 066	1 370	2 620	13 017	12 529	8 040	3 957	10 779	2 906	3 497
J	16 251	9 682	4 937	1 204	3 594	9 352	9 998	8 252	3 664	9 205	3 668	2 705
A	21 516	10 103	2 555	1 225	4 020	10 400	8 852	8 347	3 837	7 609	2 558	2 778
S	16 811	11 157	2 099	1 039	2 725	8 862	8 419	6 946	3 129	10 055	4 072	2 876
O	18 226	11 678	1 894	1 842	2 417	9 857	8 419	9 843	3 673	10 870	3 362	3 516
N	21 303	14 388	2 876	1 516	4 026	9 305	10 352	9 972	3 212	11 268	3 799	3 096
D	14 891	5 228	2 348	1 442	2 489	7 043	7 216	7 067	2 694	7 599	3 307	2 485
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	8 683	3 379	16 437	2 727	1 722
A	19 119	13 057	1 708	1 842	3 300	9 504	11 320	6 796	3 220	13 222	2 261	2 636
M	21 742	12 519	3 606	1 370	4 370	9 582	11 733	8 838	4 194	19 208	2 754	2 672

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			
	2000	2000	2001	2001	2000	2000	2001	2001
		May	Apr.	May		May	Apr.	May
1. Judgements								
1.1 Goods sold								
1.1.1 Open account	144 343	14 052	9 242	12 086	133 518	12 910	8 360	11 289
1.1.2 Instalment sale transactions	18 244	1 796	1 127	1 843	16 238	1 635	946	1 667
1.2 Services								
1.2.1 Professional	98 214	10 263	5 942	8 921	95 094	9 896	5 847	8 828
1.2.2 Other	175 766	20 028	11 035	16 900	167 692	19 112	10 521	16 292
1.3 Rent	39 547	4 119	4 184	3 347	31 904	3 403	3 394	2 865
1.4 Money lent	256 609	25 624	22 203	28 716	250 085	25 222	21 840	28 295
1.5 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	82 899	9 604	5 844	7 717	78 798	9 262	5 378	7 351
1.6 Other	154 024	12 817	12 163	12 428	144 412	12 032	11 555	11 804
1.7 Total								
1.7.1 Actual figures	969 646	98 303	71 740	91 958	917 745	93 473	67 840	88 391
1.7.2 Seasonally adjusted		88 927	77 883	82 765		83 774	73 800	78 790

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			
	2000	2000	2001	2001	2000	2000	2001	2001
		May	Apr.	May		May	Apr.	May
R1 000								
1. Judgements								
1.1 Goods sold								
1.1.1 Open account	741 285	59 823	65 529	92 576	574 764	42 531	54 170	77 589
1.1.2 Instalment sale transactions	357 335	29 453	19 768	27 839	303 949	24 770	15 560	21 606
1.2 Services								
1.2.1 Professional	184 612	18 099	11 299	35 968	166 067	16 112	10 085	34 489
1.2.2 Other	593 344	80 813	37 707	84 212	529 045	73 455	32 322	75 464
1.3 Rent	308 849	29 640	26 883	32 191	214 729	22 236	18 797	24 683
1.4 Money lent	2 721 283	240 753	197 277	253 470	2 465 971	218 784	186 537	220 592
1.5 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	733 966	80 135	46 311	48 896	632 512	63 176	33 248	42 194
1.6 Other	1 440 829	94 875	210 061	254 121	1 117 832	73 586	177 756	218 994
1.7 Total								
1.7.1 Actual figures	7 081 503	633 591	614 835	829 273	6 004 871	534 650	528 475	715 610
1.7.2 Seasonally adjusted		604 385	668 666	790 915		502 467	584 602	671 255

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 debts” 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

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