

# Statistics of civil cases for debt

May 2002

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.

**Embargo: 09:30**  
**Date: 25 July 2002**

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.

## Key figures for the month ended May 2002

<b>Actual estimates</b>	<b>May 2002</b>	<b>% change between May 2001 and May 2002</b>	<b>% change between March 2001 to May 2001 and March 2002 to May 2002</b>	<b>% change between January 2001 to May 2001 and January 2002 to May 2002</b>
Number of civil summonses issued for debt	140 774	-4,9	-1,6	-1,0
Number of civil judgements recorded for debt	82 143	-10,0	-1,8	-7,5
Value of civil judgements recorded for debt (R million)	571,0	-31,0	-20,7	-11,7

<b>Seasonally adjusted estimates</b>	<b>May 2002</b>	<b>% change between April 2002 and May 2002</b>	<b>% change between December 2001 to February 2002 and March 2002 to May 2002</b>
Number of civil summonses issued for debt	126 051	-17,1	+2,6
Number of civil judgements recorded for debt	73 731	-16,0	-0,1
Value of civil judgements recorded for debt (R million)	536,0	-17,3	-24,7

## Key findings as at the end of May 2002

### The total number of civil summonses for debt increases

*The total number of civil summonses issued for debt for the three months ended May 2002, after seasonal adjustment, increased by 2,6% compared with the previous three months. However, the total number of civil summonses issued for debt for the three months ended May 2002, decreased by 1,6% compared with the three months ended May 2001. The total number of civil summonses issued for debt for the first five months of 2002 decreased by 1,0% compared with the first five months of 2001.*

The major contributors to the decrease of 1,6% in civil summonses issued for debt for the three months ended May 2002 compared with the three months ended May 2001 were civil summonses issued in respect of goods sold on account (-3,2 percentage points) and 'other' services (-2,1 percentage points). However, these decreases were partially counteracted by an increase in summonses issued for debt relating to money lent (+5,1 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 2002, after seasonal adjustment, decreased by 0,1% compared with previous three months. Furthermore, the total number of civil judgements recorded for debt for the three months ended May 2002 decreased by 1,8% compared with the three months ended May 2001. The total number of civil summonses issued for debt for the first five months of 2002 decreased by 7,5% compared with the first five months of 2001.*

The major contributors to the decrease of 1,8% in the number of civil judgements recorded for debt for the three months ended May 2002 compared with the three months ended May 2001 were civil judgements recorded in respect of 'other' debts (-5,0 percentage points) and 'other' services (-2,3 percentage points). However, These decreases were partially counteracted by increases in judgements relating to money lent, (+4,2 percentage points), promissory notes (+1,0 percentage points) and instalment sale transactions (+0,5 of a percentage point).

**The total value of civil judgements recorded for debt decreases**

*The total value of civil judgements recorded for debt for the three months ended May 2002, after seasonal adjustment, decreased by 24,7% compared with the previous three months. The total value of civil judgements recorded for debt for the three months ended May 2002, decreased by 20,7% compared with the three months ended May 2001. Furthermore, the total value of civil judgements recorded for debt for the first five months of 2002 decreased by 11,7% compared with the first five months of 2001.*

The major contributors to the decrease of 20,7% in the value of civil judgements recorded for debt for the three months ended May 2002 compared with the three months ended May 2001 were civil judgements recorded in respect of 'other' debts (-15,3 percentage points), goods sold on account (-2,6 percentage points) and money lent (-1,9 percentage points).

During May 2002, 82 143 civil judgements for debt amounted to R571,0 million. The largest contributors to the R571,0 million were civil judgements relating to money lent (35,2% or R201,0 million) and 'other' debts (23,8% or R136,1 million).

**Figure 1 - Civil summonses for debt**

**Figure 2 - Civil judgements for debt**

## Notes

### Forthcoming issues

#### Issue

#### Expected release date

June 2002	22 August 2002
July 2002	26 September 2002
August 2002	24 October 2002
September 2002	21 November 2002
October 2002	19 December 2002
November 2002	15 January 2003
December 2002	19 February 2003

### 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 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.

## Contents

<b>Editorial</b>		<b>Page</b>
	Notes .....	4
<b>Tables</b>		
Table 1	Number of civil cases recorded and summonses issued for debt according to business enterprises and private persons .....	6
Table 2	Number of civil cases recorded in selected magistrates' offices .....	7
Table 3	Number of civil default and consent judgements for debt according to business enterprises and private persons .....	8
Table 4	Value of civil default and consent judgements for debt according to business enterprises and private persons .....	9
Table 5	Number of small claims courts, litigants referred, summonses issued and hearings: 1990 to 1999.....	10
 <b>Additional information</b>		
	Explanatory notes .....	11
	Technical notes .....	12
	Glossary .....	13
<b>For more information</b> .....		15

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			
	2001	2001	2002	2002	2001	2001	2002	2002
	May	Apr.	May	May	May	Apr.	May	
Number								
1. Cases recorded								
1.1 Actual figures	1 813 654	172 191	164 233	159 617	1 655 837	156 882	150 230	148 236
1.2 Seasonally adjusted		154 253	173 220	141 742		142 167	159 434	133 074
2. Civil summonses for debt								
2.1 Goods sold								
2.1.1 Open account	248 080	27 060	21 177	19 942	221 283	24 562	19 092	18 216
2.1.2 Instalment sale transactions	45 565	4 200	4 856	4 647	41 154	3 793	4 434	4 369
2.2 Services								
2.2.1 Professional	167 898	16 120	14 885	15 084	160 340	15 474	13 996	14 387
2.2.2 Other	322 400	29 375	26 163	27 455	301 137	27 417	24 341	25 922
2.3 Rent	82 665	8 021	7 650	7 395	66 000	6 292	6 160	6 046
2.4 Money lent	351 681	31 602	38 791	35 847	335 566	30 142	37 273	34 872
2.5 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	111 152	10 636	9 883	10 766	95 936	8 906	8 873	9 581
2.6 Other	234 135	20 954	20 324	19 638	209 683	18 748	17 536	17 831
2.7 Total								
2.7.1 Actual figures	1 563 568	147 967	143 729	140 773	1 431 098	135 335	131 705	131 223
2.7.2 Seasonally adjusted		133 673	152 013	126 051		122 750	139 296	117 805

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
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
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
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	8 077	3 379	16 437	2 727	1 722
A	19 119	13 057	1 708	1 842	3 300	9 504	11 320	6 134	3 220	13 222	2 261	2 636
M	21 742	12 519	3 606	1 370	4 370	9 582	11 733	8 159	4 194	19 208	2 754	2 672
J	18 385	10 095	2 367	2 028	4 646	9 000	10 826	8 252	4 067	15 049	2 277	920
J	16 644	12 649	2 139	1 657	3 721	7 614	9 282	7 352	3 405	13 749	5 577	2 763
A	16 885	10 208	1 903	1 297	3 946	9 396	10 649	6 203	3 542	11 214	6 587	4 352
S	13 065	10 443	1 775	1 957	2 410	7 270	8 720	5 032	3 550	9 986	2 337	2 596
O	15 149	12 793	2 182	1 722	3 082	10 130	8 720	7 559	3 270	15 285	2 922	2 709
N	15 508	11 184	2 225	1 722	3 315	11 873	8 720	7 007	5 306	27 118	2 894	6 617
D	11 953	4 472	1 155	1 657	1 749	7 123	6 261	5 965	2 300	18 583	2 041	7 961
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



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			
	2001	2001	2002	2002	2001	2001	2002	2002
		May	Apr.	May		May	Apr.	May
1. Judgements								
1.1 Goods sold								
1.1.1 Open account	133 233	12 003	9 563	10 018	122 089	11 204	8 649	9 281
1.1.2 Instalment sale transactions	19 342	1 836	1 403	1 610	17 157	1 658	1 224	1 490
1.2 Services								
1.2.1 Professional	102 587	8 811	6 972	7 367	98 859	8 711	6 729	7 174
1.2.2 Other	159 631	16 934	12 405	12 898	151 104	16 330	11 417	12 291
1.3 Rent	46 551	3 355	3 818	3 716	38 495	2 874	2 889	3 227
1.4 Money lent	310 569	28 405	29 964	28 361	303 382	27 981	28 580	27 758
1.5 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	85 482	7 710	7 406	8 074	79 025	7 347	5 993	7 755
1.6 Other	152 749	12 260	9 104	10 099	142 434	11 629	8 094	9 346
1.7 Total								
1.7.1 Actual figures	1 010 144	91 313	80 635	82 143	952 545	87 734	73 575	78 321
1.7.2 Seasonally adjusted		82 263	87 718	73 730		79 041	79 011	70 329

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			
	2001	2001	2002	2002	2001	2001	2002	2002
		May	Apr.	May		May	Apr.	May
R1 000								
1. Judgements								
1.1 Goods sold								
1.1.1 Open account	1 025 789	92 653	54 803	56 532	848 081	77 648	39 847	46 687
1.1.2 Instalment sale transactions	353 756	27 680	23 068	26 728	286 119	21 432	18 237	22 655
1.2 Services								
1.2.1 Professional	218 869	35 729	15 441	15 831	200 675	34 224	12 321	14 761
1.2.2 Other	770 697	83 812	48 222	54 907	693 405	75 113	38 158	50 886
1.3 Rent	346 812	32 172	25 974	25 260	247 981	24 676	14 796	20 283
1.4 Money lent	2 954 066	251 931	230 266	200 769	2 742 300	219 032	211 887	190 655
1.5 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	761 520	48 893	78 873	54 836	625 223	42 216	37 302	49 958
1.6 Other	2 729 738	254 063	104 939	136 134	2 080 050	219 142	87 420	100 182
1.7 Total								
1.7.1 Actual figures	9 161 247	826 933	581 586	570 997	7 723 837	713 483	459 968	496 068
1.7.2 Seasonally adjusted		777 771	647 878	535 948		663 925	516 068	459 510

**Table 19 - 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 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.

<b>Statistical unit</b>	<p><b>9</b> The statistical unit for collection of information is a magistrate's office. Magistrate's offices include the small claims courts.</p> <p><b>10</b> 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>
<b>Survey methodology and design</b>	<p><b>11</b> The survey is conducted by mail each month from approximately 152 magistrates' offices.</p>
<b>Seasonal adjustment</b>	<p><b>12</b> 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>
<b>Trend cycle</b>	<p><b>13</b> Smoothed seasonally adjusted estimates are generated using the X-11 Seasonal Adjustment Programme.</p>
<b>Publications</b>	<p><b>14</b> Users may also wish to refer to the following publications:</p> <ul style="list-style-type: none"> <li>• Bulletin of Statistics issued quarterly.</li> <li>• SA Statistics issued annually.</li> </ul>
<b>Unpublished statistics</b>	<p><b>15</b> 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>
<b>Symbols and abbreviations</b>	<p><b>16</b> R/D      Refer to Drawer  CD        Compact Disc  Stats SA   Statistics South Africa  TBVC      Transkei, Bophuthatswana, Venda, Ciskei.</p>
<b>Technical notes</b>	
<b>Response rates</b>	<p>The response rate for May was 86,1%</p>

## 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>Other services</b>	“Other services” refers to municipal services (except outstanding assessment rates), plumbers, builders, mechanics, panel-beaters and electricians.
<b>Other kinds of debt</b>	“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.
<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.

**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

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.

Stats SA has copyright on this publication. Users may apply the information as they wish, provided that they acknowledge Stats SA as the source of the basic data wherever they process, apply, utilise, publish or distribute the data: and also that they specify that the relevant application and analysis (where applicable) result from their own processing of the data.

### Stats SA products

A complete set of Stats SA publications is available at the Stats SA Library and the following libraries:

National Library of South Africa, Pretoria Division  
National Library of South Africa, Cape Town Division  
Natal Society Library, Pietermaritzburg  
Library of Parliament, Cape Town  
Bloemfontein Public Library  
Johannesburg Public Library  
Eastern Cape Library Services, King William's Town  
Central Regional Library, Pietersburg  
Central Reference Library, Nelspruit  
Central Reference Collection, Kimberley  
Central Reference Library, Mmabatho

Stats SA also provides a subscription service.

### Electronic services

A large range of data are available via on-line services, diskette, CD and computer printouts. For more details about our electronic data services, contact (012) 310 8600/8095/8390/8351.

You can visit us on the Internet at: <http://www.statssa.gov.za>

### Enquiries

Telephone number: (012) 310 8600/8095/8390/8351 (user enquiries)  
(012) 310 8220 (technical enquiries)  
(012) 310 8161 (publications)  
(012) 310 8490 (library)

Fax number: (012) 310 8332

e-mail: CorrieB@statssa.pwv.gov.za  
DeidreN@statssa.pwv.gov.za

Postal address: Private Bag X44, Pretoria, 0001