

P0041

Statistics of civil cases for debt

May 2003

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Key figures for the month ended May 2003

Actual estimates	May 2003	% change between May 2002 and May 2003	% change between March 2002 to May 2002 and March 2003 to May 2003	% change between January 2002 to May 2002 and January 2003 to May 2003
Number of civil summonses issued for debt	144 711	+2,9	+0,9	+1,6
Number of civil judgements recorded for debt	97 941	+19,5	+14,2	+17,0
Value of civil judgements recorded for debt (R million)	563,2	-0,6	-1,9	-15,1

Seasonally adjusted estimates	May 2003	% change between April 2003 and May 2003	% change between December 2002 to February 2003 and March 2003 to May 2003
Number of civil summonses issued for debt	131 115	-3,5	-1,2
Number of civil judgements recorded for debt	90 830	-3,0	+2,7
Value of civil judgements recorded for debt (R million)	561,0	-6,9	+5,4

Key findings as at the end of May 2003

The total number of civil summonses for debt decreases

The total number of civil summonses issued for debt for the three months ended May 2003, after seasonal adjustment, decreased by 1,2% compared with the previous three months. However, the total number of civil summonses issued for debt for the three months ended May 2003 increased by 0,9% compared with the three months ended May 2002. Furthermore, the total number of civil summonses issued for debt for the first five months of 2003 increased by 1,6% compared with the first five months of 2002.

The major contributors to the increase of 0,9% in civil summonses issued for debt for the three months ended May 2003 compared with the three months ended May 2002 were civil summonses issued in respect of 'other' debts (+3,0 percentage points) and money lent (+1,6 percentage points). However, this increase was to a certain extent counteracted by a decrease in summonses issued for debt relating to 'other' services (-1,8 percentage points).

The total number of civil judgements recorded for debt increases

The total number of civil judgements recorded for debt for the three months ended May 2003, after seasonal adjustment, increased by 2,7% compared with the previous three months. Furthermore, the total number of civil judgements recorded for debt for the three months ended May 2003 increased by 14,2% compared with the three months ended May 2002. The total number of civil judgements recorded for debt for the first five months of 2003 increased by 17,0% compared with the first five months of 2002.

The major contributors to the increase of 14,6% in the number of civil judgements recorded for debt for the three months ended May 2003 compared with the three months ended May 2002 were civil judgements recorded in respect of money lent (+6,8 percentage points), goods sold on account (+3,0 percentage points), 'other' debts (+2,5 percentage points) and promissory notes (+1,9 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 2003, after seasonal adjustment, increased by 5,4% compared with the previous three months. However, the total value of civil judgements recorded for debt for the three months ended May 2003 decreased by 1,9% compared with the three months ended May 2002. Furthermore, the total value of civil judgements recorded for debt for the first five months of 2003 decreased by 15,1% compared with the first five months of 2002.

The major contributors to the decrease of 1,9% in the value of civil judgements recorded for debt for the three months ended May 2003 compared with the three months ended May 2002 were civil judgements recorded in respect of 'other' debts (-3,8 percentage points), money lent (-1,0 percentage point) and 'other' services (-0,6 of a percentage point). However, this decrease was to a certain extent counteracted by an increase in judgements for debt relating to promissory notes (+3,5 percentage points).

During May 2003, 97 941 civil judgements for debt amounted to R563,2 million. The largest contributors to the R563,2 million were civil judgements relating to money lent (42,7% or R240,4 million) and 'other' debts (17,8% or R100,3 million).

Notes

Forthcoming issues

Issue	Expected release date
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**
- 9 The statistical unit for collection of information is a magistrate's office. Magistrate's offices include the small claims courts.
 - 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.

Survey methodology and design

11 The survey is conducted by mail each month from approximately 152 magistrates' offices.

Seasonal adjustment

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.

Trend cycle

13 Smoothed seasonally adjusted estimates are generated using the X-11 Seasonal Adjustment Programme.

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 May was 83,4%

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	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.

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
		May	Apr.	May		May	Apr.	May
Number								
1. Cases recorded								
1.1 Actual figures	1 768 056	159 708	129 546	158 002	1 621 463	148 242	118 500	145 192
1.2 Seasonally adjusted		143 358	140 187	141 684		133 568	129 028	130 381
2. Civil summonses for debt								
2.1 Goods sold								
2.1.1 Open account	223 915	19 928	16 637	16 843	199 118	18 158	14 435	14 713
2.1.2 Instalment sale transactions	49 296	4 725	3 115	3 114	44 571	4 432	2 779	2 627
2.2 Services								
2.2.1 Professional	160 952	15 159	11 428	13 804	153 189	14 442	10 733	13 036
2.2.2 Other	279 149	27 423	22 822	23 467	261 533	25 864	21 204	21 112
2.3 Rent	82 475	7 468	6 612	6 983	67 581	6 099	5 569	5 734
2.4 Money lent	424 569	35 850	33 528	38 655	408 513	34 858	32 526	37 675
2.5 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	120 049	10 806	11 161	13 794	108 623	9 603	10 447	13 021
2.6 Other	238 485	19 254	23 551	28 051	208 719	17 551	20 862	25 134
2.7 Total								
2.7.1 Actual figures	1 578 890	140 613	128 854	144 711	1 451 846	131 006	118 556	133 051
2.7.2 Seasonally adjusted		127 529	135 936	131 115		119 357	125 455	120 734

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	16 204	10 104	3 091	2 017	2 941	11 797	14 690	8 256	5 724	12 175	3 475	6 164
A	15 395	6 154	2 564	2 017	3 284	11 414	11 964	7 229	3 321	385	2 544	6 687
M	15 663	7 849	2 999	2 017	3 532	13 239	14 584	7 746	4 515	15 954	2 499	6 717

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
		May	Apr.	May		May	Apr.	May
1. Judgements								
1.1 Goods sold								
1.1.1 Open account	126 610	9 922	11 317	13 613	117 230	9 179	10 446	12 475
1.1.2 Instalment sale transactions	19 195	1 595	1 923	2 338	17 499	1 475	1 788	2 102
1.2 Services								
1.2.1 Professional	87 469	7 369	6 722	7 505	84 702	7 172	6 462	7 118
1.2.2 Other	141 994	12 835	9 346	12 774	134 442	12 228	8 649	11 816
1.3 Rent	40 913	3 701	3 493	5 579	33 338	3 213	2 553	4 461
1.4 Money lent	353 517	28 490	32 731	35 530	342 083	27 889	31 422	35 016
1.5 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	89 663	8 008	8 795	9 320	84 314	7 689	8 493	9 006
1.6 Other	115 450	10 022	9 351	11 282	107 655	9 269	8 624	10 628
1.7 Total								
1.7.1 Actual figures	974 811	81 942	83 678	97 941	921 266	78 115	78 437	92 622
1.7.2 Seasonally adjusted		75 711	93 658	90 829		71 826	86 531	85 453

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
		May	Apr.	May		May	Apr.	May
	R1 000							
1. Judgements								
1.2 Goods sold								
1.2.1 Open account	700 324	55 825	50 930	54 391	565 746	45 869	39 749	41 302
1.2.2 Instalment sale transactions	372 719	26 672	29 550	21 621	319 888	22 600	22 276	16 424
1.3 Services								
1.3.1 Professional	198 577	15 846	15 458	15 284	178 994	14 767	13 010	13 933
1.3.2 Other	704 882	54 358	41 774	49 806	634 912	50 330	36 946	44 486
1.4 Rent	285 956	25 230	26 175	33 719	200 310	20 289	18 025	26 836
1.5 Money lent	2 913 813	197 370	201 148	240 417	2 715 548	187 289	177 918	210 780
1.6 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	629 694	54 429	67 356	47 642	515 737	49 575	59 207	58 804
1.7 Other	1 663 909	136 831	106 914	100 275	1 170 812	100 787	82 597	82 396
1.7 Total								
1.7.1 Actual figures	7 469 874	566 562	539 305	563 155	6 301 946	491 507	449 729	494 962
1.7.2 Seasonally adjusted		559 085	602 363	561 025		479 516	518 849	485 976