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Statistics of civil cases for debt

November 1998

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CIVIL DEBT CASES INCREASE

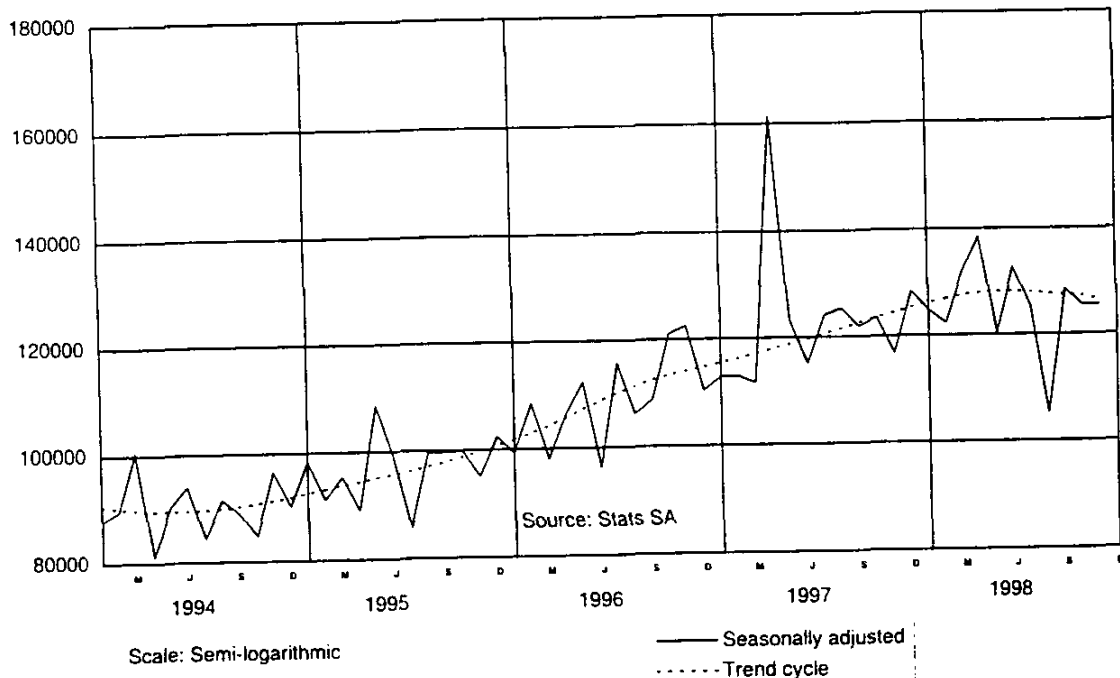
Although the trend regarding the total number of civil summonses for debt levelled off, the total number of civil summonses for debt recorded for the three months up to November 1998 increased by 4,5% after seasonal adjustment compared with the preceding three months. Furthermore, the total number of civil summonses was 4,6% higher than the corresponding period of a year ago.

The upward trend in the number of civil judgements, which started in the middle of 1996, still continues. The total number of civil judgements for debt increased slightly by 0,1% after seasonal adjustment compared with the previous three months and was 18,7% higher than the same period of a year ago.

The increase of 4,5% in civil summonses for debt was mainly due to more civil summonses issued regarding professional services (+8,2%) and "other services" (+9,5%). During November 1998, 32 502 or 23,8% of the total summonses for debt issued were for civil summonses relating to "other services" and 23 225 or 17,0% were regarding money lent.

During November 1998, 78 421 civil judgements for debt were issued which involved R725,0 million. The major contributors to the R725,0 million were civil judgements relating to money lent (R195,3 million) and promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt (R75,8 million).

Figure 1 - NUMBER OF CIVIL SUMMONSES ISSUED



pp
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:				
Sept. 1998 - Nov. 1998	402 235	244 536	+4,6	+18,7
Sept. 1997 - Nov. 1997	384 440	205 984		
Seasonally adjusted figures:				
Sept. 1998 - Nov. 1998	378 957	229 146	+4,5	+0,1
Jun. 1998 - Aug. 1998	362 690	228 941		

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.

Figure 2 - NUMBER OF CIVIL JUDGEMENTS FOR DEBT

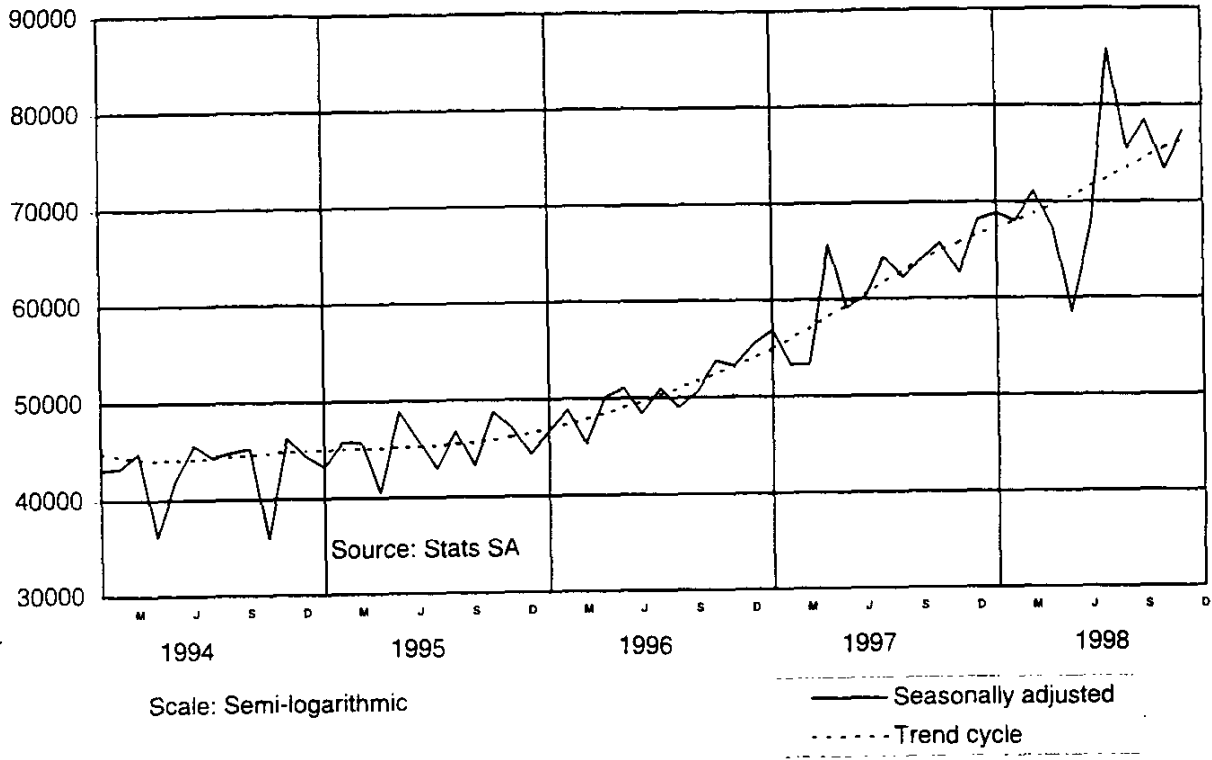


TABLE 1 - NUMBER OF CIVIL CASES RECORDED AND SUMMONSES FOR DEBT ISSUED

Item	Business enterprises and private persons						Private persons							
	1997		1998		1997		1998		1997		1998		1997	
	Nov.	Oct.	Nov.	Oct.	Nov.	Oct.	Nov.	Oct.	Nov.	Oct.	Nov.	Oct.	Nov.	
	Number													
1. Cases recorded	1 546 465	139 430	141 743	135 175	1 374 961	127 919	130 034	117 610	128 452	126 294	124 073	119 176	116 260	109 058
1.1 Actual figures														
1.2 Seasonally adjusted														
2. Civil summonses for debt	1 476 165	136 316	140 864	127 577	1 316 611	125 191	129 214	111 308	125 342	125 362	116 858	116 378	115 148	102 970
2.1 Total														
2.1.1 Actual figures														
2.1.2 Seasonally adjusted														
2.2 Goods sold	260 430	20 884	20 487	21 597	224 674	18 431	17 782	18 605	43 813	3 101	3 422	2 992	3 021	2 670
2.2.1 Open account														
2.2.2 Instalment sale transactions														
2.3 Services	193 793	17 438	17 919	16 654	181 433	16 364	17 060	15 697	418 095	32 502	43 334	38 767	381 452	40 863
2.3.1 Professional														
2.3.2 Other														
2.4 Rent	75 350	6 319	5 170	5 765	52 385	4 418	4 237	3 331	213 227	23 225	23 848	18 459	199 886	22 286
2.5 Money lent	97 731	11 184	10 371	8 908	85 039	10 292	9 435	6 053						
2.6 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt														
2.7 Other	173 726	21 663	16 313	14 435	152 682	20 116	14 914	12 343						

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	Vereeniging and Vanderbijlpark	Bloemfontein
1996	170 524	110 152	18 523	8 717	31 347	80 469	143 379	84 677	31 309	107 156	24 056	25 026
1997	180 497	135 070	19 317	7 862	32 125	104 135	171 300	97 837	36 152	115 062	48 943	19 908
1997 - J	13 055	5 329	1 510	714	2 341	5 205	7 547	5 830	2 723	8 084	1 921	1 237
F	13 515	9 050	1 403	649	2 760	6 369	10 279	6 224	3 173	9 206	2 278	1 401
M	13 504	9 082	1 506	706	2 763	9 675	12 361	6 596	2 963	9 659	1 840	1 137
A	20 656	31 432	1 668	606	2 900	10 135	16 215	9 058	2 563	8 147	2 403	1 552
M	14 672	16 374	1 427	563	2 700	9 121	12 515	11 397	3 052	8 871	5 185	1 240
J	14 992	10 831	1 881	829	2 440	10 430	16 826	8 064	2 898	9 316	3 737	2 630
J	15 765	8 502	1 763	672	3 120	9 304	21 567	9 634	3 596	9 912	4 842	1 380
A	15 543	6 233	1 721	696	2 198	6 281	20 005	11 194	3 410	11 081	6 081	2 110
S	17 160	8 794	1 422	504	2 362	9 336	10 941	7 062	3 279	10 253	3 986	1 663
O	13 845	12 731	1 751	760	3 456	11 399	16 002	7 426	3 097	13 795	8 594	2 344
N	14 830	9 963	1 617	613	2 775	9 444	15 736	8 944	3 081	10 014	6 406	1 912
D	12 960	6 749	1 648	450	2 310	7 436	11 306	6 408	2 317	6 724	1 670	1 302
1998 - J	10 414	7 305	1 749	498	2 946	6 800	11 125	5 585	3 006	8 772	2 271	2 725
F	15 957	7 851	2 117	493	2 073	8 450	10 956	7 383	3 503	8 881	3 374	1 683
M	17 248	10 074	2 290	697	2 663	10 504	11 170	8 489	3 555	10 521	3 190	2 007
A	15 936	14 132	1 880	653	2 250	9 613	18 788	8 841	3 433	9 124	3 085	2 258
M	15 160	13 035	1 946	744	2 270	11 174	10 114	8 444	5 541	9 099	2 373	1 803
J	17 145	15 984	2 879	803	2 275	11 287	13 118	7 541	4 044	10 326	7 294	1 556
J	20 355	10 790	3 176	840	2 820	11 312	10 123	6 306	6 746	11 257	2 728	1 708
A	12 514	10 694	2 844	563	2 314	9 546	9 833	4 922	4 028	8 009	2 549	1 189
S	14 367	16 388	2 078	643	2 152	11 218	10 860	7 912	3 681	8 883	2 726	644
O	13 306	18 434	2 613	711	2 670	7 752	13 161	7 093	3 555	9 357	2 497	1 880
N	15 558	9 787	2 078	664	2 940	7 353	13 161	8 045	4 060	11 538	3 298	2 209

TABLE 3 - CIVIL DEFAULT AND CONSENT JUDGEMENTS FOR DEBT

Item	Business enterprises and private persons			Private persons		
	1998	1998	1997	1998	1998	1997
	Nov.	Oct.	Nov.	Nov.	Oct.	Nov.
			Number			

I.1. Judgements						
I.1.1 Total	736 264	83 042	63 898	689 927	74 182	59 988
I.1.1.1 Actual figures	77 311	73 371	62 657		72 906	58 641
I.1.1.2 Seasonally adjusted						
I.1.2 Goods sold	135 496	12 712	11 191	123 279	10 356	10 187
I.1.2.1 Open account	11 636	1 329	1 232	10 633	1 226	1 100
I.1.2.2 Instalment sale transactions						
I.1.3 Services	92 399	9 022	7 446	89 600	9 064	7 237
I.1.3.1 Professional	163 725	11 793	19 014	154 323	11 028	13 645
I.1.3.2 Other						
I.1.4 Rent	30 302	2 775	2 561	23 795	2 184	2 020
I.1.5 Money lent	135 704	17 147	19 355	132 805	15 954	12 569
I.1.6 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	65 918	7 794	6 920	61 897	7 474	5 117
I.1.7 Other	101 084	16 609	11 836	93 595	15 896	8 113

			R1 000			

I.1. Judgements						
I.1.1 Total	5 295 876	725 029	629 692	4 69 661	612 192	398 839
I.1.2 Goods sold	462 462	51 305	50 532	41 235	32 276	27 384
I.1.2.1 Open account	254 877	29 344	28 489	22 354	25 064	19 513
I.1.2.2 Instalment sale transactions.						
I.1.3 Services	130 017	16 211	18 371	11 486	10 868	10 270
I.1.3.1 Professional	388 655	37 221	47 126	318 375	28 142	26 947
I.1.3.2 Other						
I.1.4 Rent	192 252	20 865	20 293	17 161	14 278	12 313
I.1.5 Money lent	2 325 543	195 261	285 301	186 397	185 176	171 127
I.1.6 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	528 046	75 825	52 203	47 163	54 698	41 500
I.1.7 Other	1 014 024	298 997	127 377	111 812	261 690	89 785

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

- o "Courts" relate to the total number of small claims courts at the end of the months as indicated.
- o "Litigants referred" relates to the number of persons (plaintiffs) referred to legal assistants by clerks of the small claims court.

TABLE 4 - SMALL CLAIMS COURTS, LITIGANTS REFERRED, SUMMONSES ISSUED AND HEARINGS

Item	1997	1996	1995	1994	1993	1992	1991	1990
	Number							
Courts	143	120	113	111	109	106	103	92
Litigants referred	13 423	21 230	20 154	20 101	19 502	18 906	16 857	16 474
Summonses issued	25 417	27 463	24 905	25 112	24 929	24 942	19 520	16 551
Hearings	26 622	27 690	25 746	25 356	23 953	23 421	17 814	15 540

Source: Department of Justice