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Statistics of civil cases for debt

November 2000

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Key figures for the month ended November 2000

Actual estimates	November 2000	% change between November 1999 and November 2000	% change between September 1999 to November 1999 and September 2000 to November 2000	% change between January 1999 to November 1999 and January 2000 to November 2000
Number of civil summonses issued for debt	143 636	-10,3	-2,8	-0,6
Number of civil judgements recorded for debt	86 653	-10,3	-10,9	+3,8
Value of civil judgements recorded for debt (R million)	596,0	+2,7	-0,4	-9,4

Seasonally adjusted estimates

	November 2000	% change between October 2000 to November 2000	% change between June 2000 to August 2000 and September 2000 to November 2000
Number of civil summonses issued for debt	136 536	+6,6	+0,0
Number of civil judgements recorded for debt	83 183	+12,8	-10,3
Value of civil judgements recorded for debt (R million)	581,1	-15,5	-2,9

Key findings for the month ended November 2000

The total number of civil summonses issued for debt lower than a year ago

The total number of civil summonses issued for debt for the three months ended November 2000 decreased by 2,8% (from 416 011 to 404 181) compared with the three months ended November 1999. However, the total number of civil summonses issued for debt for the three months ended November 2000, after seasonal adjustment, remained more or less unchanged compared with the previous three months.

The major contributors to the decrease of 2,8% in civil summonses issued for debt for the three months up to November 2000 compared with the corresponding period of 1999 were civil summonses issued in respect of money lent (-5,1 percentage points), promissory notes (-0,8 of a percentage point) and goods sold on an open account (-0,7 of a percentage point). However these decreases were partially counteracted by an increase in summonses issued for debt relating to "other services" (+3,0 percentage points).

The total number of civil judgements recorded for debt lower than a year ago

The total number of civil judgements recorded for debt for the three months ended November 2000 decreased by 10,9% (from 269 542 to 240 081) compared with the three months ended November 1999. Furthermore, the total number of civil judgements recorded for debt for the three months ended November 2000, after seasonal adjustment, decreased by 10,3% compared with the previous three months.

The major contributors to the decrease of 10,9% in the number of civil judgements recorded for debt for the three months ended November 2000 compared with the corresponding period of 1999 were civil judgements recorded in respect of "other services" (-3,4 percentage points), goods sold on open account (-3,2 percentage points) and "other debts" (-2,4 percentage points).

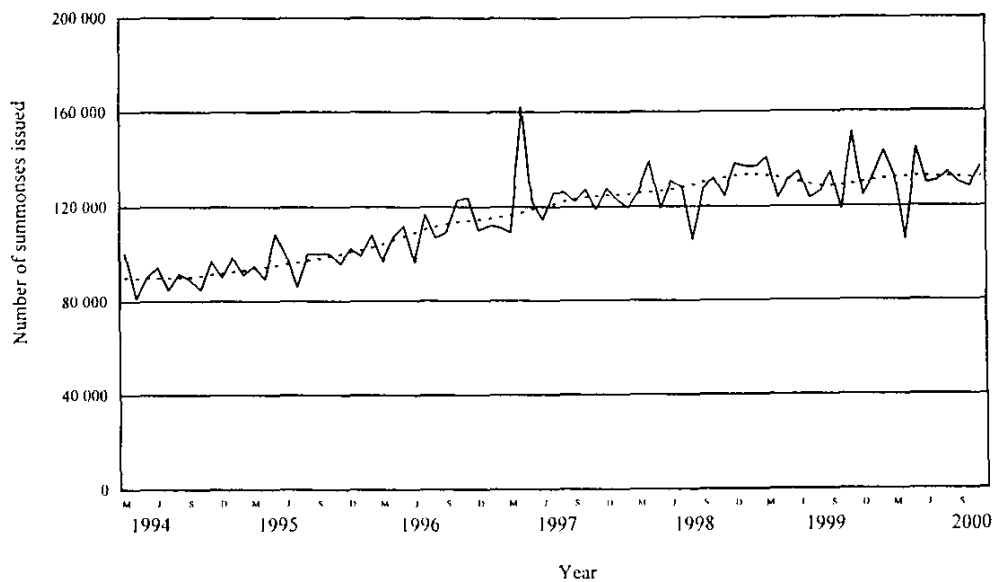
The total value of civil judgements recorded for debt lower than a year ago

The total value of civil judgements recorded for debt for the three months ended November 2000 decreased by 0,4% (from R1 846,3 million to R1 838,7 million) compared with the three months ended November 1999. Furthermore, the total value of civil judgements recorded for debt for the three months ended November 2000, after seasonal adjustment, decreased by 2,9% compared with the previous three months.

The major contributors to the decrease of 0,4% in the value of civil judgements recorded for debt for the three months ended November 2000 compared with the three months ended November 1999 were civil judgements recorded in respect of "other debts" (-2,9 percentage points) and instalment transactions (-0,6 of a percentage point). However these decreases were partially counteracted by increases in civil judgements recorded for debt relating to money lent (+2,3 percentage points) and rent (0,8 of a percentage point).

During November 2000, 86 653 civil judgements for debt amounted to R596,0 million. The largest contributors to the R596,0 million were civil judgements relating to money lent (37,4% or R223,0 million), "other debts" (22,0% or R131,6 million), promissory notes (10,0% or R59,4 million) and goods sold on open account (9,5% or R56,9 million).

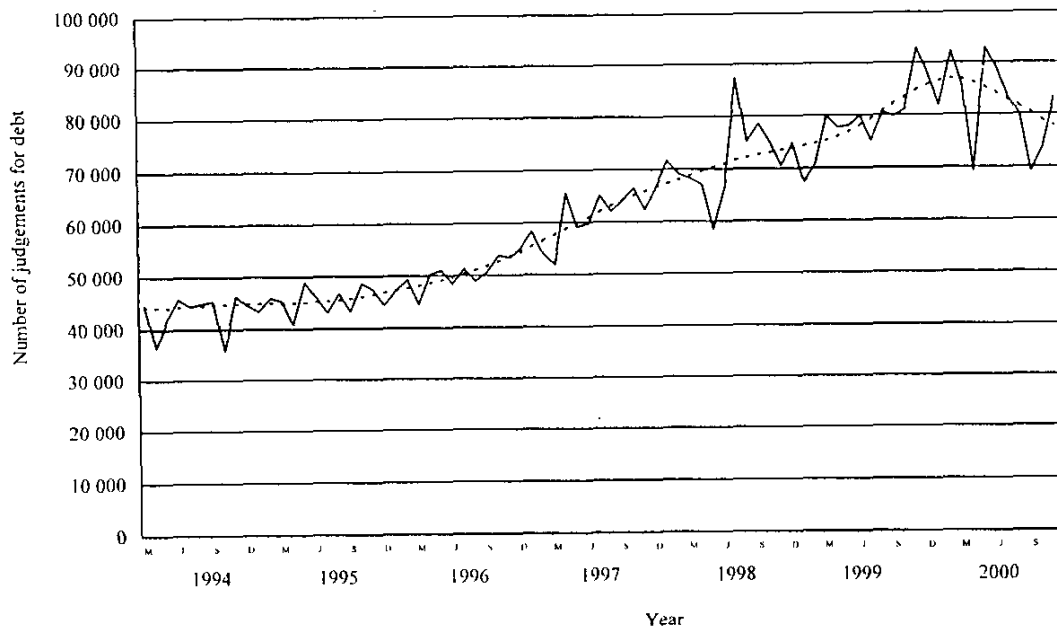
Figure 1 - Number of civil summonses issued for debt



Source : Stats SA

— Seasonally adjusted - - - - - Trend

Figure 2 - Number of civil judgements recorded for debt



Source : Stats SA

— Seasonally adjusted - - - - - Trend

pp *Magwabe*
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Notes

Forthcoming issues**Issue****Expected release date**

December 2000

22 February 2001

Purpose of the survey

The Survey of Civil Cases for Debt covers a sample of magistrates' offices in South Africa excluding the former Transkei, Bophuthatswana, Venda and Ciskei (TBVC states). This 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.

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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
1998	181 024	143 677	27 688	7 915	29 362	110 846	135 470	86 872	47 613	113 826	40 305	22 209
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
1999 - J	12 520	14 821	4 475	774	2 372	7 524	6 389	5 737	2 312	8 543	4 197	1 338
F	16 758	7 212	1 889	1 266	2 840	9 869	20 995	6 772	4 753	10 529	5 099	2 566
M	17 963	7 700	5 594	1 470	2 791	13 314	13 003	7 606	3 608	14 386	4 282	3 298
A	14 598	11 130	3 018	870	2 692	9 251	9 928	7 216	2 713	8 187	3 516	2 160
M	19 003	15 590	1 753	1 899	3 535	9 182	8 993	7 297	3 758	10 494	4 797	3 305
J	19 674	16 411	4 782	1 044	2 947	9 158	11 020	8 377	3 862	10 513	6 478	2 694
J	16 015	11 566	1 626	1 841	3 054	9 218	10 123	8 409	4 876	10 215	7 121	2 127
A	15 112	11 085	3 892	1 328	2 739	10 273	8 433	8 155	5 221	10 248	5 695	1 711
S	14 367	9 193	4 618	653	2 125	10 730	10 404	8 882	4 026	11 747	3 620	2 402
O	12 648	8 700	2 915	1 706	2 631	11 390	10 994	6 937	4 049	13 102	2 119	2 958
N	14 376	16 092	3 529	1 900	3 298	11 126	10 171	7 248	4 107	34 532	3 588	2 731
D	10 794	5 228	1 371	1 035	2 544	7 143	7 026	6 191	3 279	11 481	4 399	1 750
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	11 678	2 876	1 516	4 026	9 305	8 419	9 972	3 212	11 268	3 810	3 096

Table 3 - Civil default and consent judgements for debt according to business enterprises and private persons

Item	Business enterprises and private persons				Private persons			
	1999	1999	2000	2000	1999	1999	2000	2000
	Nov.	Oct.	Nov.	Oct.	Nov.	Oct.	Nov.	Oct.
	Number							
1. Judgements								
1.1 Goods sold								
1.1.1 Open account	154 385	14 506	11 566	11 664	141 197	13 472	10 707	10 771
1.1.1.2 Instalment sale transactions	19 410	1 912	1 344	1 335	17 842	1 777	1 228	1 183
1.2 Services								
1.2.1 Professional	99 284	8 821	7 862	8 540	95 548	8 561	7 601	8 267
1.2.2 Other	172 270	19 727	12 714	14 347	162 618	18 989	12 131	13 585
1.3 Rent	34 234	3 207	2 755	3 231	27 489	2 570	2 213	2 571
1.4 Money lent	237 531	23 112	21 334	23 329	233 668	22 794	20 987	21 854
1.5 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	74 310	7 335	5 824	7 604	69 580	7 003	5 563	7 314
1.6 Other	161 826	17 957	16 312	16 603	151 915	17 025	15 329	15 561
1.7 Total	953 250	96 577	79 711	86 653	899 859	92 192	75 759	81 106
1.7.1 Actual figures	93 117	93 117	73 737	83 183	87 668	87 668	70 204	76 671
1.7.2 Seasonally adjusted								

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			
	1999 Nov.	2000 Oct.	2000 Nov.	2000	1999 Nov.	2000 Oct.	2000 Nov.	2000
	R1 000							
1. Judgements								
1.1 Goods sold								
1.1.1 Open account	682 500	55 422	51 965	56 898	470 242	38 389	37 581	41 619
1.1.1.2 Instalment sale transactions	410 259	28 315	29 670	29 812	340 774	24 056	26 355	23 568
1.2 Services								
1.2.1 Professional	203 834	18 585	14 515	16 139	179 121	17 149	13 298	14 438
1.2.2 Other	529 253	49 688	43 905	49 712	446 695	43 639	41 221	46 414
1.3 Rent	256 378	18 248	26 924	29 491	185 702	13 886	18 826	17 801
1.4 Money lent	3 070 082	227 270	339 676	222 959	2 842 060	214 387	318 840	197 967
1.5 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	643 181	51 335	57 128	59 387	569 021	46 578	50 339	49 405
1.6 Other	1 993 275	131 197	150 009	131 603	1 436 202	101 598	105 641	91 996
1.7 Total	7 788 762	580 060	713 792	596 001	6 469 817	439 682	612 100	483 208
1.7.1 Actual figures	568 954	687 653	581 063		492 141	586 146	473 347	
1.7.2 Seasonally adjusted								

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

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 excluding the former Transkei, Bophuthatswana, Venda and Ciskei (TBVC states). This information is obtained from selected magistrates' offices.
- 2 This statistical release reflects the results of civil cases recorded and summonses issued against business enterprises and private persons in a sample of 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 business enterprises. Only the general public may use the small claims courts and not 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	9	The statistical unit for collection of information is a magistrates' office. Magistrates' offices include the small claims courts.
Survey methodology and design	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.
	11	The survey is conducted by mail each month from 152 magistrates' offices.
Seasonal adjustment	12	Seasonally adjusted estimates of all items are generated each month, using the X-11 Seasonal Adjustment Program developed by US Bureau of the Census Economic Research and Analyses Division, 1968. Seasonal adjustment 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	The trend is the long-term pattern or movement of a time series. The X-11 Seasonal Adjustment Program is used for smoothing seasonally adjusted estimates.
Publications	14	Users may also wish to refer to the following publications: <ul style="list-style-type: none"> • 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		R/D Refer to Drawer CD Compact Disc Stats SA Statistics South Africa TBVC Transkei, Bophuthatswana, Venda, Ciskei.
Technical notes		
Response rate		The response rate for November was 85%.

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 transactions	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 the Unemployment Insurance and Compensation Funds, 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
(R/D) cheques**

R/D 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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