

P0041

Statistics of civil cases for debt

November 2001

Embargo: 09:30

Date: 24 January 2002

Key figures for the month ended November 2001

Actual estimates	November 2001	% change between November 2000 and November 2001	% change between September 2000 to November 2000 and September 2001 to November 2001	% change between January 2000 to November 2000 and January 2001 to November 2001
Number of civil summonses issued for debt	140 066	-5,4	-5,3	-1,2
Number of civil judgements recorded for debt	96 284	+13,0	+10,9	+3,7
Value of civil judgements recorded for debt (R million)	844,7	+42,0	+20,2	+27,5

Seasonally adjusted estimates

	November 2001	% change between October 2001 and November 2001	% change between June 2001 to August 2001 and September 2001 to November 2001
Number of civil summonses issued for debt	127 155	-2,5	-2,7
Number of civil judgements recorded for debt	88 114	+6,7	-1,2
Value of civil judgements recorded for debt (R million)	860,7	+32,7	+0,3

Key findings for the month ended November 2001

The total number of civil summonses issued for debt decreases

The total number of civil summonses issued for debt for the three months ended November 2001, after seasonal adjustment, decreased by 2,7% compared with the previous three months. Furthermore, the total number of civil summonses issued for debt for the three months ended November 2001 decreased by 5,3% compared with three months ended November 2000. The total number of civil summonses issued for debt for the first eleven months of 2001 decreased by 1,2% compared with the first eleven months of 2000.

The major contributor to the decrease of 5,3% in civil summonses issued for debt for the three months ended November 2001 compared with three months ended November 2000 was civil summonses issued in respect of 'other' services (-7,8 percentage points). This decrease was

counteracted by an increase in civil summonses issued regarding money lent (+4,4 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 November 2001, after seasonal adjustment, decreased by 1,2% compared with the previous three months. However, the total number of civil judgements recorded for debt for the three months ended November 2001 increased by 10,9% compared with the three months ended November 2000. The total number of civil judgements recorded for debt for the first eleven months of 2001 increased by 3,7% compared with the first eleven months of 2000.

The major contributors to the increase of 10,9% in the number of civil judgements recorded for debt for the three months ended November 2001 compared with three months ended November 2000 were civil judgements recorded in respect of money lent (+6,7 percentage points), services (+6,3 percentage points) and rent (+1,3 percentage points). This increase was partially counteracted by a decrease in civil judgements recorded regarding 'other' debts (-4,6 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 November 2001, after seasonal adjustment, increased by 0,3% compared with the previous three months. Furthermore, the total value of civil judgements recorded for debt for the three months ended November 2001 increased by 20,2% compared with the three months ended November 2000. The total value of civil judgements recorded for debt for the first eleven months of 2001 increased by 27,5% compared with the first eleven months of 2000.

The major contributors to the increase of 20,2% in the value of civil judgements recorded for debt for the three months ended November 2001 compared with the three months ended November 2000 were civil judgements recorded in respect of 'other' debts (+9,1 percentage points), money lent (+3,5 percentage points) and goods sold on account (+3,4 percentage points).

During November 2001, 96 284 civil judgements for debt amounted to R844,7 million. The largest contributors to the R844,7 million were civil judgements relating to money lent (36,6% or R308,9 million) and 'other' debts (25,4% or R214,3 million).

Notes

Forthcoming issues

Issue

Expected release date

December 2001

21 February 2002

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

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

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. 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	<p>7 The information in respect of magistrates' courts shown in this statistical release <u>refers to debt cases</u> only and is therefore not strictly comparable with the information shown for the small claims courts.</p> <p>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 October 1995. A comparison with the period prior to October 1995 must thus be handled with circumspection.</p>
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>6 The survey is conducted by mail each month from approximately 152 magistrates' offices.</p>
Seasonal adjustment	<p>12 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.</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 The response rate for November was 80,0%.

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 refer to dishonoured cheques. The drawer is the owner of the cheque.

(RD) cheques

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

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
		Nov.	Oct.	Nov.		Nov.	Nov.	Nov.
1. Cases recorded								
1.1 Actual figures	1 760 348	162 438	153 435	174 908	1 586 605	148 653	138 346	159 673
1.2 Seasonally adjusted		140 998	154 894	150 503		127 130	139 160	135 638
2. Civil summonses for debt								
2.1 Goods sold								
2.1.1 Open account	256 571	21 309	20 484	22 551	228 045	19 077	18 000	19 970
2.1.2 Instalment sale transactions	38 918	3 321	3 283	3 819	32 674	2 952	2 795	3 368
2.2 Services								
2.2.1 Professional	181 817	14 627	13 977	14 803	167 564	13 966	13 282	13 972
2.2.2 Other	389 839	38 046	23 752	26 315	361 550	35 983	22 092	24 536
2.3 Rent	67 099	5 488	6 648	7 188	52 761	4 241	5 023	5 490
2.4 Money lent	317 792	30 000	35 505	36 894	297 042	28 336	33 795	35 186
2.5 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	106 226	10 374	8 518	9 048	92 352	9 075	7 441	8 010
2.6 Other	220 187	24 871	20 548	19 448	194 931	22 163	17 276	16 840
2.7 Total								
2.7.1 Actual figures	1 578 449	148 036	132 715	140 066	1 426 912	135 793	119 704	127 372
2.7.2 Seasonally adjusted		135 662	130 367	127 155		124 055	118 755	115 039

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	8 077	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	10 443	2 182	1 722	3 082	10 130	8 720	7 559	3 270	15 285	2 922	2 709
N	15 549	10 443	2 225	1 722	3 315	11 873	8 720	7 007	5 306	27 118	2 894	6 617

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
		Nov.	Oct.	Nov.		Nov.	Oct.	Nov.
1. Judgements								
1.1 Goods sold								
1.1.1 Open account	144 343	11 488	11 634	13 071	133 518	10 559	10 701	12 058
1.1.2 Instalment sale transactions	18 244	1 324	1 618	1 828	16 238	1 181	1 453	1 613
1.2 Services								
1.2.1 Professional	98 214	8 382	8 918	9 502	95 094	8 108	8 527	9 006
1.2.2 Other	175 766	14 637	16 539	18 665	167 692	13 878	15 789	17 999
1.3 Rent	39 547	3 165	3 366	4 246	31 904	2 502	2 741	3 363
1.4 Money lent	256 609	22 240	25 795	29 327	250 085	20 752	25 281	28 871
1.5 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	82 899	7 465	6 213	7 221	78 798	7 167	5 881	6 890
1.6 Other	154 024	16 508	11 511	12 424	144 412	15 484	10 822	11 455
1.7 Total								
1.7.1 Actual figures	969 646	85 209	85 593	96 284	917 745	79 631	81 195	91 255
1.7.2 Seasonally adjusted		78 971	82 613	88 115		73 923	78 224	83 656

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
		Nov.	Oct.	Nov.		Nov.	Oct.	Nov.
	R1 000							
1. Judgements								
1.1 Goods sold								
1.1.1 Open account	741 285	55 575	70 091	96 233	574 764	40 978	53 876	82 131
1.1.2 Instalment sale transactions	357 335	31 117	27 627	34 898	303 949	24 391	22 397	29 101
1.2 Services								
1.2.1 Professional	184 612	15 661	15 886	17 435	166 067	14 119	13 808	15 704
1.2.2 Other	593 344	57 349	55 624	64 676	529 045	53 272	49 048	59 046
1.3 Rent	308 849	28 979	25 885	32 827	214 729	17 607	17 128	24 666
1.4 Money lent	2 721 283	217 611	252 859	308 940	2 465 971	195 629	239 797	277 222
1.5 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	733 966	59 231	73 798	75 458	632 512	49 209	65 194	69 118
1.6 Other	1 440 829	129 439	121 000	214 254	1 117 832	90 318	95 724	148 424
1.7 Total								
1.7.1 Actual figures	7 081 503	594 962	642 770	844 721	6 004 871	485 524	556 972	705 411
1.7.2 Seasonally adjusted		602 055	648 691	860 654		485 404	566 244	710 517