

P0041

Statistics of civil cases for debt

November 2002

Embargo: 09:30

Date: 23 January 2003

Key figures for the month ended November 2002

Actual estimates

	November 2002	% change between November 2001 and November 2002	% change between September 2001 to November 2001 and September 2002 to November 2002	% change between January 2001 to November 2001 and January 2002 to November 2002
Number of civil summonses issued for debt	153 060	+5,2	+6,8	+0,2
Number of civil judgements recorded for debt	92 921	-1,2	+5,4	-3,9
Value of civil judgements recorded for debt (R million)	547,2	-34,2	-22,7	-17,5

Seasonally adjusted estimates

	November 2002	% change between October 2002 and November 2002	% change between June 2002 to August 2002 and September 2002 to November 2002
Number of civil summonses issued for debt	136 357	-0,4	+8,8
Number of civil judgements recorded for debt	83 954	-7,5	+11,1
Value of civil judgements recorded for debt (R million)	559,1	-3,7	-1,7

Key findings as at the end of November 2002

The total number of civil summonses for debt increases

The total number of civil summonses issued for debt for the three months ended November 2002, after seasonal adjustment, increased by 8,8% compared with the previous three months. Furthermore, the total number of civil summonses issued for debt for the three months ended November 2002, increased by 6,8% compared with the three months ended November 2001. The total number of civil summonses issued for debt for the first eleven months of 2002 increased by 0,2% compared with the first eleven months of 2001.

The major contributors to the increase of 6,8% in civil summonses issued for debt for the three months ended November 2002 compared with the three months ended November 2001 were civil summonses issued in respect of money lent (+4,7 percentage points) and promissory notes (+1,7 percentage points). However, this increase was partially counteracted by a decrease in summonses issued for debt relating to 'other' services (-1,8 percentage point).

The total number of civil judgements recorded for debt increases

The total number of civil judgements recorded for debt for the three months ended November 2002, after seasonal adjustment, increased by 11,1% compared with the previous three months. Furthermore, the total number of civil judgements recorded for debt for the three months ended November 2002 increased by 5,4% compared with the three months ended November 2001. However, the total number of civil judgements recorded for debt for the first eleven months of 2002 decreased by 3,9% compared with the first eleven months of 2001.

The major contributors to the increase of 5,4% in the number of civil judgements recorded for debt for the three months ended November 2002 compared with the three months ended November 2001 were civil judgements recorded in respect of money lent (+8,5 percentage points) and promissory notes (+4,3 percentage points). However, this increase was partially counteracted by a decrease in judgements recorded for debt relating to professional services (-3,3 percentage points), 'other' services (-2,1 percentage points) and 'other' debts (-1,7 percentage points).

The total value of civil judgements recorded for debt decreases

The total value of civil judgements recorded for debt for the three months ended November 2002, after seasonal adjustment, decreased by 1,7% compared with the previous three months. Furthermore, the total value of civil judgements recorded for debt for the three months ended November 2002 decreased by 22,7% compared with the three months ended November 2001. The total value of civil judgements recorded for debt for the first eleven months of 2002 decreased by 17,5% compared with the first eleven months of 2001.

The major contributors to the decrease of 22,7% in the value of civil judgements recorded for debt for the three months ended November 2002 compared with the three months ended November 2001 were civil judgements recorded in respect of money lent (-8,2 percentage points), 'other' debts (-7,4 percentage points), promissory notes (-3,3 percentage points) and goods sold on account (-2,7 percentage points).

During November 2002, 92 921 civil judgements for debt amounted to R547,2 million. The largest contributors to the R547,2 million were civil judgements relating to money lent (39,9% or R218,2 million) and 'other' debts (22,1% or R121,0 million).

Notes

Forthcoming issues

Issue	Expected release date
December 2002	20 February 2003
January 2003	27 March 2003
February 2003	24 April 2003
March 2003	22 May 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

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	8
Table 4	Number of civil default and consent judgements for debt according to business enterprises and private persons	9
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

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	<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>11 The survey is conducted by mail each month from approximately 152 magistrates' offices.</p>
Seasonal adjustment	<p>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.</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	<p>The response rate for November was 84,0%</p>

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 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.
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, Polokwane
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 8600/8390/8351/4892/8496/8095.

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

Enquiries

Telephone number: (012) 310 8600/8390/8351/4892/8496/8095 (user enquiries)
(012) 310 8220 (technical enquiries)
(012) 310 8161 (publications)
(012) 310 8490 (library)

Fax number: (012) 310 8332

e-mail: CorrieB@statssa.gov.za
DeidreN@statssa.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			
	2001	2001	2002	2002	2001	2001	2002	2002
		Nov.	Oct.	Nov.		Nov.	Oct.	Nov.
1. Cases recorded								
1.1 Actual figures	1 813 654	180 281	163 662	170 638	1 655 837	164 552	149 554	157 513
1.2 Seasonally adjusted		155 338	158 348	147 557		140 817	144 865	135 352
2. Civil summonses for debt								
2.1 Goods sold								
2.1.1 Open account	248 080	23 832	21 935	22 277	221 283	21 097	18 991	19 701
2.1.2 Instalment sale transactions	45 565	4 803	4 470	4 696	41 154	4 270	3 872	4 215
2.2 Services								
2.2.1 Professional	167 898	15 395	14 684	15 113	160 340	14 585	13 868	14 557
2.2.2 Other	322 400	27 743	24 732	22 701	301 137	25 909	23 285	21 390
2.3 Rent	82 665	7 771	6 722	6 940	66 000	6 006	5 436	5 797
2.4 Money lent	351 681	36 830	38 668	45 673	335 566	35 054	36 914	44 118
2.5 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	111 152	9 199	11 932	10 421	95 936	8 109	10 818	9 687
2.6 Other	234 135	19 901	19 009	25 239	209 683	17 253	16 707	23 066
2.7 Total								
2.7.1 Actual figures	1 563 576	145 474	142 152	153 060	1 431 098	132 283	129 891	142 532
2.7.2 Seasonally adjusted		130 640	136 850	136 357		117 903	126 259	126 047

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
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	17 311	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

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
		Nov.	Oct.	Nov.		Nov.	Oct.	Nov.
Number								
1. Judgements								
1.1 Goods sold								
1.1.1 Open account	133 233	13 082	12 618	12 309	122 089	12 070	11 775	11 490
1.1.2 Instalment sale transactions	19 342	1 807	2 004	1 768	17 157	1 595	1 809	1 639
1.2 Services								
1.2.1 Professional	102 587	13 487	7 913	7 447	98 859	12 988	7 641	7 216
1.2.2 Other	159 631	11 897	12 606	10 683	151 104	11 272	11 679	10 004
1.3 Rent	46 551	4 253	3 790	3 235	38 495	3 369	2 977	2 516
1.4 Money lent	310 569	29 400	34 937	35 962	303 382	28 940	34 058	35 448
1.5 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	85 482	7 280	10 281	10 401	79 025	6 954	9 858	10 174
1.6 Other	152 749	12 846	10 893	11 116	142 434	11 905	10 173	10 429
1.7 Total								
1.7.1 Actual figures	1 010 144	94 052	95 042	92 921	952 545	89 093	89 969	88 917
1.7.2 Seasonally adjusted		85 459	90 740	83 954		81 049	85 958	80 469

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
		Nov.	Oct.	Nov.		Nov.	Oct.	Nov.
	R1 000							
1. Judgements								
1.1 Goods sold								
1.1.1 Open account	1 025 789	96 386	56 738	59 935	848 081	81 816	45 220	48 643
1.1.2 Instalment sale transactions	353 756	32 883	25 194	21 289	286 119	28 614	23 909	17 576
1.2 Services								
1.2.1 Professional	218 869	26 823	17 463	14 779	200 675	25 027	15 929	13 179
1.2.2 Other	770 697	49 882	47 921	47 393	693 405	44 499	42 852	42 313
1.3 Rent	346 812	33 015	22 307	20 012	247 981	24 778	15 710	13 775
1.4 Money lent	2 954 066	303 270	205 711	218 206	2 742 300	270 882	187 899	200 566
1.5 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	761 520	75 544	57 627	44 668	625 223	69 149	48 082	39 373
1.6 Other	2 729 738	214 379	163 139	120 951	2 080 050	148 759	122 554	98 113
1.7 Total								
1.7.1 Actual figures	9 161 247	832 182	596 100	547 233	7 723 837	693 523	502 155	473 539
1.7.2 Seasonally adjusted		843 767	580 383	559 081		704 600	494 497	487 134

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