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**Statistics of civil cases
for debt
October 1997**



Statistical release P0041

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DEBT CASES CONTINUE TO INCREASE

The total number of civil summonses and the number of civil judgements for debt continue to show an upward trend. The total number of civil summonses for debt, during the three months up to October 1997, increased by 3,2% after seasonal adjustment compared with the previous three months. The total number of civil judgements for debt increased by 5,9% after seasonal adjustment during the same period.

The increase of 3,2% in civil summonses for debt can be attributed to more civil summonses issued in respect of goods sold on open account (+4,3%); 'other services' (+4,0%) and money lent (+4,5%). Out of a total of 137 590 civil summonses for debt issued during October 1997, 30,0% was for summonses pertaining to 'other services', while 16,7% was for civil summonses in respect of goods sold on open account. The major magisterial offices which reported the largest increases in the number of civil cases from September to October 1997 are the Cape Peninsula (+44,8%); Durban (+22,1%); Johannesburg (+46,3%) and Pretoria (+34,5%).

During October 1997, 74 292 civil judgements for debt were passed, and the amount involved was R503,5 million (see Table 3). The largest portion was in respect of money lent (R202,3 million), followed by promissory notes, bills, R/D cheques, credit cards and other acknowledgments of debt (R51,0 million), and goods sold on open account (R44,4 million). It is worth noting that the average amount per judgement (regarding all civil judgements for debt) decreased from R6 875 for October 1996 to R6 777 for October 1997. The average amount per judgement for cases relating to money lent decreased quite substantially (-24,0%) over the same period, from R18 298 to R13 910 whereas that concerning promissory notes, increased from R6 797 million to R9 214 million (+35,6%) during the same period.

Period	Number		Percentage change	
	Summonses for debt	Civil judgements for debt	Summonses for debt	Civil judgements for debt
Actual figures:				
Aug. 1997 - Oct. 1997	388 631	200 294	+10,5	+25,7
Aug. 1996 - Oct. 1996	351 614	165 744		
Seasonally adjusted figures:				
Aug. 1997 - Oct. 1997	373 771	194 076	+3,2	+5,9
May 1997 - Jul. 1997	362 101	183 283		


 pp
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NOTES

The particulars refer to all civil cases for debt recorded by Magistrate's 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.

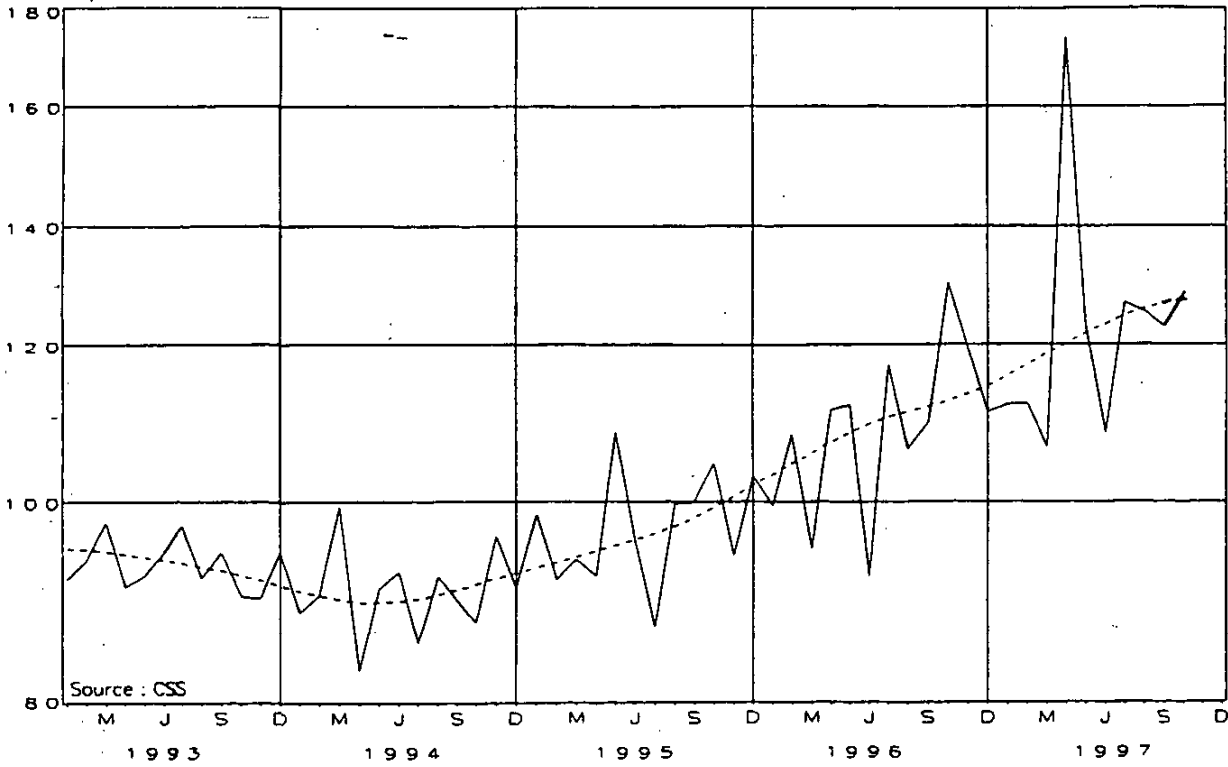
COMPARABILITY

The jurisdiction limit for civil cases handled by Magistrate's 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.

SMALL CLAIMS COURTS

Statistics in respect of small claims courts are updated annually.

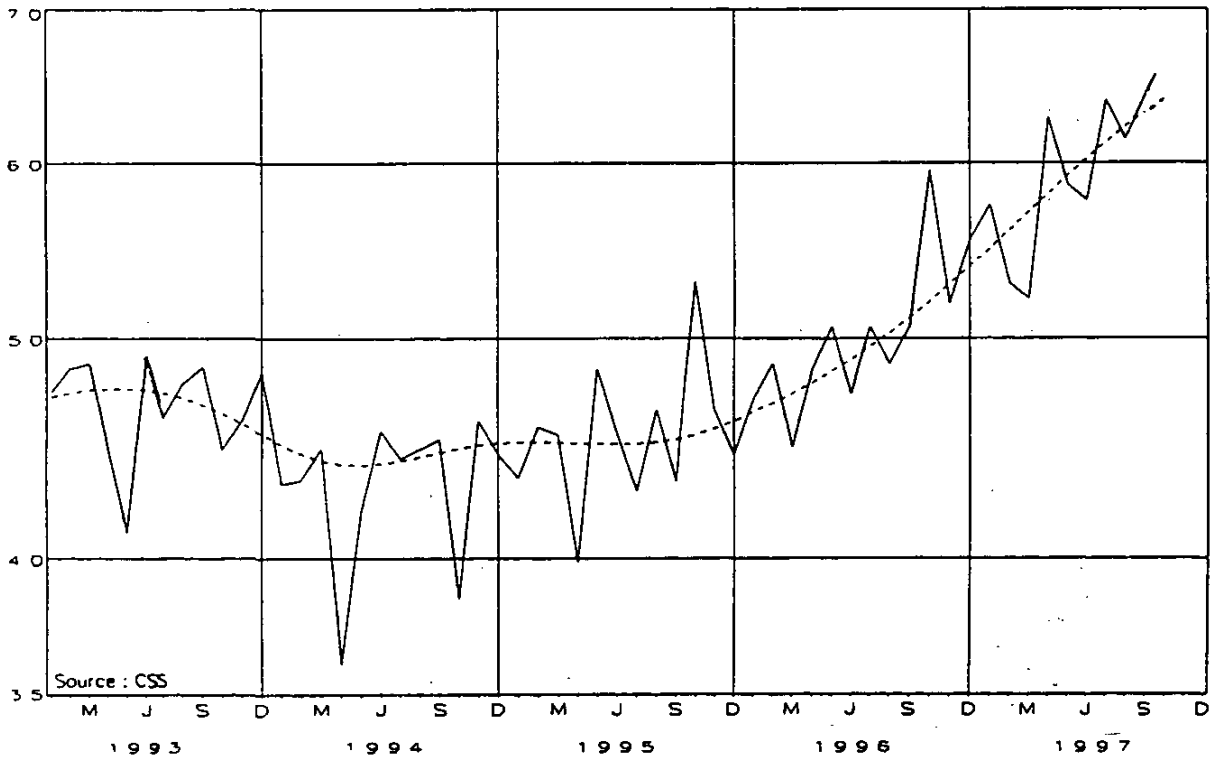
CIVIL SUMMONSES ISSUED - NUMBER
Thousand



Scale: Semi-Logarithmic

Seasonally adjusted ———
Trend cycle - - - -

CIVIL JUDGEMENTS FOR DEBT - NUMBER
Thousand



Scale: Semi-Logarithmic

Seasonally adjusted ———
Trend cycle - - - -

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

Item	Business enterprises and private persons						Private persons					
	1996		1997		1996		1996		1997		1996	
	Oct.	Sept.	Oct.	Sept.	Oct.	Sept.	Oct.	Sept.	Oct.	Sept.	Oct.	
	Number											
1. Cases recorded	1 349 268	148 046	126 567	136 844	1 218 104	131 671	114 656	123 211	120 921	116 582	114 290	
1.1 Actual figures												
1.2 Seasonally adjusted		135 288	129 706	126 480								
2. Civil summonses for debt	1 309 573	137 590	119 273	132 425	1 186 256	123 217	108 317	119 492	113 429	110 198	111 025	
2.1 Total												
2.1.1 Actual figures												
2.1.2 Seasonally adjusted		126 454	122 512	122 953								
2.2. Goods sold	270 368	22 950	23 163	25 509	237 863	20 143	20 737	22 339	3 714	3 480	2 305	
2.2.1 Open account	28 301	3 951	3 699	2 568	24 869							
2.2.2 Instalment sale transactions												
2.3 Services	193 440	16 410	16 162	17 504	183 669	15 472	15 240	16 652	38 807	27 057	36 809	
2.3.1 Professional	340 067	42 353	29 301	41 183	311 631							
2.3.2 Other												
2.4 Rent	68 844	6 384	6 693	5 720	53 657	4 020	5 215	4 536				
2.5 Money lent	160 560	21 277	18 121	15 918	152 874	19 888	16 977	15 152				
2.6 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	94 053	9 311	7 674	10 001	84 317	8 112	6 864	9 099				
2.7 Other	153 940	14 954	14 460	14 022	137 176	13 061	12 747	12 600				

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	Vereniging and Vanderbijlpark	Bloemfontein
1995	166 609	47 639	15 445	10 823	30 290	89 776	142 943	69 380	30 690	96 226	16 908	24 289
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
1996 - J	13 286	1 298	1 605	697	2 376	5 758	9 212	6 073	2 293	7 783	1 195	1 852
F	18 773	2 009	1 794	729	2 754	6 709	10 759	7 709	2 510	9 702	2 051	1 910
M	15 367	1 710	1 685	861	2 735	6 547	14 043	7 224	2 423	8 631	2 066	2 116
A	13 498	9 747	1 103	484	3 064	7 512	11 442	5 035	2 096	0 069	1 536	1 907
M	16 019	10 406	1 444	935	2 855	9 655	10 828	5 733	3 152	9 082	2 946	2 155
J	11 973	11 382	1 448	893	2 398	6 590	10 825	6 510	2 309	7 799	2 224	2 093
J	15 822	15 841	1 648	859	3 180	6 268	12 200	8 752	3 001	10 581	2 321	2 750
A	13 984	8 300	1 831	471	2 664	6 813	14 818	5 354	2 638	9 232	2 436	2 203
S	13 712	10 134	1 925	741	2 210	5 578	12 796	6 227	2 623	8 290	1 964	2 073
O	13 526	11 777	1 707	610	2 339	6 913	15 414	10 686	3 208	10 926	1 903	2 523
N	14 029	21 517	1 349	717	2 304	7 494	12 607	9 855	3 206	10 250	2 153	2 167
D	10 535	6 031	984	720	2 468	4 632	8 345	5 519	1 850	6 811	1 261	1 277
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	663	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	1 300
A	15 543	6 233	1 721	696	2 190	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	3 906	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

TABLE 3 - CIVIL DEFAULT AND CONSENT JUDGEMENTS FOR DEBT

Item	Business enterprises and private persons						Private persons					
	1997			1996			1997			1996		
	Oct.	Sept.	Oct.	Oct.	Sept.	Oct.	Oct.	Sept.	Oct.	Sept.	Oct.	
1. Judgements	Number											
1.1 Total	603 846	74 292	67 794	60 025	561 217	69 512	63 716	56 153				
1.1.1 Actual figures		66 229	65 393	54 133		62 136	61 321	50 716				
1.1.2 Seasonally adjusted												
1.2 Goods sold	134 645	12 843	11 713	13 386	122 534	11 709	10 433	12 309				
1.2.1 Open account	9 052	1 199	902	1 039	8 271	1 117	024	968				
1.2.2 Instalment sale transactions												
1.3 Services	93 755	8 390	7 833	8 194	90 846	8 151	7 607	8 013				
1.3.1 Professional	118 921	19 253	18 001	11 051	110 981	18 333	17 094	11 117				
1.3.2 Other												
1.4 Rent	29 958	3 790	2 262	3 021	24 070	2 561	1 975	2 497				
1.5 Money lent	82 891	14 542	12 126	9 687	80 629	14 259	11 834	9 447				
1.6 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	53 940	5 534	5 221	5 574	49 063	5 173	4 922	5 197				
1.7 Other	80 684	8 733	9 736	7 273	74 023	8 209	9 027	6 605				
	R1 000											
1. Judgements	3 829 184	503 509	473 860	412 649	3 264 045	431 051	403 819	354 924				
1.1 Total												
1.2 Goods sold	386 345	44 388	44 202	36 133	257 609	29 497	26 539	25 116				
1.2.1 Open account	142 454	22 297	17 510	19 993	128 064	19 715	15 723	18 402				
1.2.2 Instalment sale transactions												
1.3 Services	110 277	12 731	10 682	10 646	100 548	11 032	9 453	10 034				
1.3.1 Professional	244 902	43 282	36 863	29 719	195 332	36 055	30 304	23 877				
1.3.2 Other												
1.4 Rent	170 205	20 198	16 013	21 311	124 007	15 299	12 489	13 969				
1.5 Money lent	1 583 121	202 273	190 295	177 251	1 495 704	183 096	181 100	169 412				
1.6 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	410 055	50 993	37 642	37 888	362 485	44 995	33 901	34 086				
1.7 Other	781 825	107 347	120 653	79 708	600 296	91 362	94 310	60 028				

SMALL CLAIMS COURTS**NOTES**

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.

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.

CONCEPTS

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

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

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

Source: Department of Justice