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# Statistics of civil cases for debt

October 1999

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**CIVIL SUMMONSES FOR DEBT HIGHER THAN A YEAR AGO**

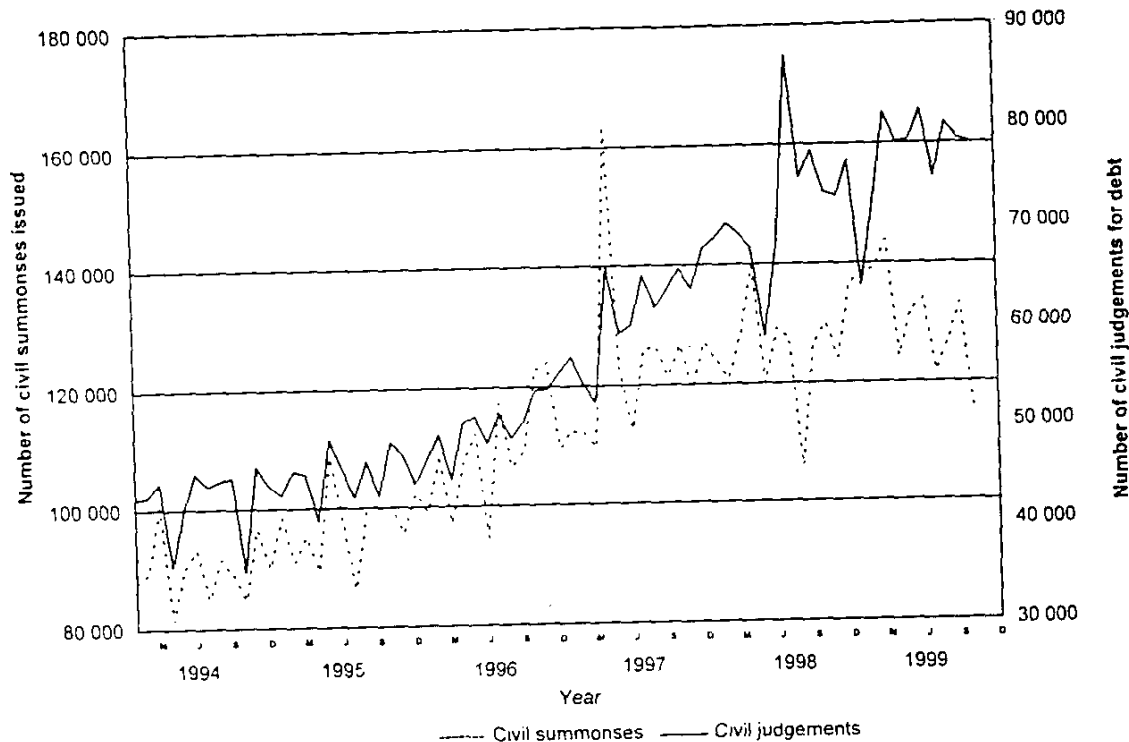
*The total number of civil summonses for debt recorded for the three months up to October 1999 reflects an increase of 3,0% (from 376 108 to 387 478) compared with the corresponding period of 1998. However, the total number of civil summonses for debt recorded for the three months up to October 1999, after seasonal adjustment, is 3,2% lower than the previous three months.*

*The total number of civil judgements for debt recorded for the three months up to October 1999 increased by 5,1% (from 246 285 to 258 886) compared with the corresponding period of 1998. Furthermore, the total number of civil judgements for debt recorded for the three months up to October 1999, after seasonal adjustment, is 1,0% higher than the preceding three months.*


The largest contributors to the 3,0% increase in civil summonses for debt were summonses relating to money lent (+30,2%), promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt (+16,1%) and goods sold on open account (+6,3%). During October 1999, 32,8% or 40 960 of the total summonses for debt issued was in respect of services; 21,2% or 26 405 was for civil summonses relating to money lent, and 16,2% or 20 175 was in respect of goods sold on open account.

During October 1999, 88 201 civil judgements for debt were issued amounting to R614,0 million. The largest contributors to the R614,0 million were civil judgements relating to money lent (R237,9 million), followed by civil judgements in respect of promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt (R61,7 million) and goods sold on open account (R55,8 million).

**Figure 1 - Civil summonses and judgements for debt**



Source : Stats S A

  
 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
<b>Actual figures:</b>				
Aug. 1999 - Oct. 1999	387 478	258 886	+3,0	+5,1
Aug. 1998 - Oct. 1998	376 108	246 285		
<b>Seasonally adjusted figures:</b>				
Aug. 1999 - Oct. 1999	375 373	236 694	-3,2	+1,0
May 1999 - Jul. 1999	387 592	234 430		

## 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, ejectment 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.

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

Item	Business enterprises and private persons						Private persons					
	1999		1998		1998		1999		1999		1998	
	Oct.	Sept.	Oct.	Sept.	Oct.	Sept.	Oct.	Sept.	Oct.	Sept.	Oct.	Sept.
	Number											
1. Cases recorded												
1.1 Actual figures	1 619 083	136 615	141 718	141 743	1 473 808	123 621	128 871	128 871	123 621	128 871	130 034	130 034
1.2 Seasonally adjusted		127 707	143 341	131 828		115 610	130 054	130 054	115 610	130 054	121 146	121 146
2. Civil summonses for debt												
2.1 Total	1 508 999	124 837	131 256	140 864	1 375 287	114 427	119 912	119 912	114 427	119 912	129 214	129 214
2.1.1 Actual figures		115 543	133 073	129 757		105 468	120 649	120 649	105 468	120 649	118 714	118 714
2.1.2 Seasonally adjusted												
2.2 Goods sold												
2.2.1 Open account	234 857	20 175	19 879	20 487	206 154	18 048	18 004	18 004	18 048	18 004	17 782	17 782
2.2.2 Instalment sale transactions	36 053	2 490	3 022	3 422	31 639	2 157	2 645	2 645	2 157	2 645	3 021	3 021
2.3 Services												
2.3.1 Professional	175 855	15 147	15 007	17 919	163 941	13 910	13 715	13 715	13 910	13 715	17 060	17 060
2.3.2 Other	424 975	25 813	28 112	43 334	394 185	23 834	25 734	25 734	23 834	25 734	40 863	40 863
2.4 Rent	63 796	4 756	6 126	5 170	50 891	3 906	5 214	5 214	3 906	5 214	4 237	4 237
2.5 Money lent	261 162	26 405	28 286	23 848	244 867	24 918	26 778	26 778	24 918	26 778	21 902	21 902
2.6 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	107 581	11 061	10 503	10 371	96 912	10 395	9 875	9 875	10 395	9 875	9 435	9 435
2.7 Other	204 720	18 987	20 321	16 313	186 698	17 254	17 947	17 947	17 254	17 947	14 914	14 914

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
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
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
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	18 454	2 613	711	2 670	7 752	13 161	7 093	3 555	9 357	2 497	1 880
N	15 538	9 787	2 078	664	2 940	7 353	7 718	8 045	4 060	11 538	3 298	2 209
D	13 064	9 183	2 038	606	1 989	5 837	8 504	6 311	2 461	8 059	4 920	2 547
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
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

TABLE 3 - CIVIL DEFAULT AND CONSENT JUDGEMENTS FOR DEBT

Item	Business enterprises and private persons						Private persons					
	1998		1999		1998		1998		1999		1998	
	Oct.	Sept.	Oct.	Sept.	Oct.	Sept.	Oct.	Sept.	Oct.	Sept.	Oct.	
	Number											
1. Judgements												
1.1 Total	864 554	88 201	84 746	83 042	812 495	78 184	73 918	83 738	79 715	73 653	78 184	68 817
1.1.1 Actual figures												
1.1.2 Seasonally adjusted	133 896	13 771	14 912	12 712	120 892	11 354	1 646	12 835	13 614	1 651	1 130	1 130
1.2 Goods sold	16 170	1 768	1 768	1 232	14 675							
1.2.1 Open account												
1.2.2 Instalment sale transactions												
1.3 Services												
1.3.1 Professional	97 052	7 190	8 090	9 022	94 501	8 824	6 963	7 701	7 701	12 858	18 076	18 076
1.3.2 Other	199 715	14 800	13 589	19 014	187 261							
1.4 Rent	32 484	3 205	3 133	2 951	24 858	2 185	2 512	2 622	2 622	5 494	6 587	6 587
1.5 Money lent	185 153	22 453	19 560	19 355	182 020	19 125	22 125	19 255	19 255	19 255	19 125	19 125
1.6 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	65 086	7 447	6 007	6 920	60 786	7 124	7 124	7 124	5 494	6 587	6 587	6 587
1.7 Other	134 998	17 563	17 687	11 836	127 502	16 383	16 383	16 520	16 520	16 520	10 903	10 903
	R1 000											
1. Judgements												
1.1 Total	6 388 098	614 037	673 685	629 692	5 475 146	499 674	517 725	577 722	577 722	499 674	499 674	499 674
1.2 Goods sold												
1.2.1 Open account	547 637	55 790	54 297	50 532	366 703	32 372	38 447	36 081	36 081	24 806	23 903	23 903
1.2.2 Instalment sale transactions	322 633	34 396	30 788	28 489	281 936			29 299	29 299			
1.3 Services												
1.3.1 Professional	169 718	13 888	16 202	18 371	151 378	13 146	11 982	14 224	14 224	37 380	37 380	37 380
1.3.2 Other	494 851	43 623	41 920	47 126	418 555			37 268	36 190			
1.4 Rent	224 191	19 071	24 408	20 293	165 551	14 389	14 389	14 389	14 389	51 522	30 509	30 509
1.5 Money lent	2 413 180	237 893	274 417	285 301	2 255 045	272 843	223 487	256 456	256 456	256 456	272 843	272 843
1.6 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	638 841	61 689	56 068	52 203	553 328	56 625	56 625	56 625	51 522	56 625	51 522	51 522
1.7 Other	1 577 047	147 683	175 585	127 377	1 282 650	106 225	106 225	140 030	140 030	140 030	76 021	76 021

## 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

- "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 4 - NUMBER OF SMALL CLAIMS COURTS, LITIGANTS REFERRED, SUMMONSES ISSUED AND HEARINGS**

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	143	13 423	25 417	26 622

Source: Department of Justice