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# Statistics of civil cases for debt

October 2000

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### Key figures for the month ended October 2000

Actual estimates	October 2000	% change between October 1999 and October 2000	% change between August 1999 to October 1999 and August 2000 to October 2000	% change between January 1999 to October 1999 and January 2000 to October 2000
Number of civil summonses issued for debt	133 171	+6,8	+3,3	+0,5
Number of civil judgements recorded for debt	79 722	-9,6	-7,7	+5,6
Value of civil judgements recorded for debt (R million)	714,2	+20,5	-3,2	-10,4

Seasonally adjusted estimates	October 2000	% change between September 2000 and October 2000	% change between May 2000 to July 2000 and August 2000 to October 2000
Number of civil summonses issued for debt	127 705	-1,7	-3,2
Number of civil judgements recorded for debt	73 031	+3,9	-15,4
Value of civil judgements recorded for debt (R million)	689,2	+34,9	+2,4

### Key findings for the month ended October 2000

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

*The total number of civil summonses issued for debt for the three months ended October 2000 increased by 3,3% (from 387 343 to 400 070) compared with the three months ended October 1999. However, the total number of civil summonses issued for debt for the three months ended October 2000, after seasonal adjustment, decreased by 3,2% compared with the previous three months.*

The major contributors to the increase of 3,3% in civil summonses issued for debt for the three months ended October 2000 compared with the corresponding period of 1999 were civil summonses issued in respect of "other services" (+4,4 percentage points) and professional services (+0,6 of a percentage point). These increases were to a certain extent counteracted by a decrease in civil summonses issued for debt relating to money lent (-1,6 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 October 2000 decreased by 7,7% (from 258 904 to 238 840) compared with the three months ended October 1999. Furthermore, the total number of civil judgements recorded for debt for the three months ended October 2000, after seasonal adjustment, decreased by 15,4% compared with the previous three months.*

The major contributors to the decrease of 7,7% in the number of civil judgements recorded for debt for the three months ended October 2000 compared with the corresponding period of 1999 were civil judgements recorded in respect of goods sold on open account (-2,6 percentage points), "other debts" (-2,2 percentage points) and promissory notes (-1,2 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 October 2000 decreased by 3,2% (from R1 971,4 million to R1 907,7 million) compared with the three months ended October 1999. However, the total value of civil judgements recorded for debt for the three months ended October 2000, after seasonal adjustment, increased by 2,4% compared with the previous three months.*

The major contributor to the decrease of 3,2% in the value of civil judgements recorded for debt for the three months ended October 2000 compared with the three months ended October 1999 were civil judgements recorded in respect of "other debts" (-4,6 percentage points).

During October 2000, 79 722 civil judgements for debt amounted to R714,2 million. The largest contributors to the R714,2 million were civil judgements relating to money lent (47,6% or R339,8 million), "other debts" (21,0% or R150,0 million), promissory notes (8,0% or R57,3 million) and goods sold on open account (7,3% or R51,9 million).

Figure 1 - Number of civil summonses issued for debt

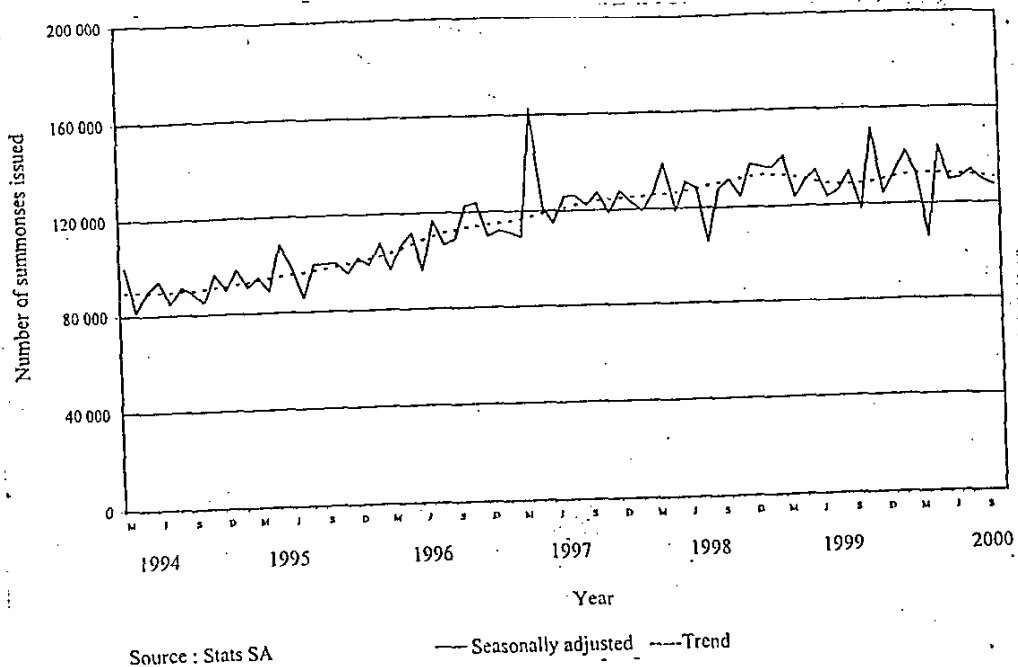
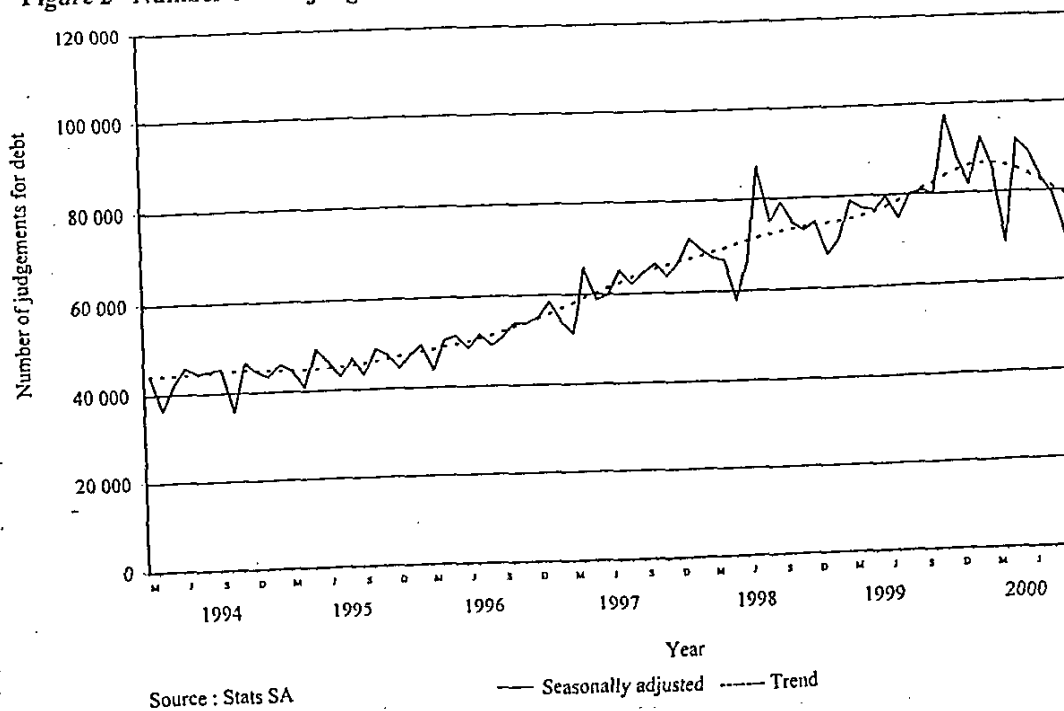


Figure 2 - Number of civil judgements recorded for debt



PP  
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## Notes

Forthcoming issues	Issue	Expected release date
	November 2000	25 January 2001
	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







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.

<b>Statistical unit</b>	9	The statistical unit for collection of information is a magistrates' office. Magistrates' offices include the small claims courts.								
<b>Survey methodology and design</b>	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.								
<b>Seasonal adjustment</b>	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.								
<b>Trend cycle</b>	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.								
<b>Publications</b>	14	Users may also wish to refer to the following publications: <ul style="list-style-type: none"> <li>• Bulletin of Statistics issued quarterly.</li> <li>• SA Statistics issued annually.</li> </ul>								
<b>Unpublished statistics</b>	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.								
<b>Symbols and abbreviations</b>		<table border="0" style="margin-left: 20px;"> <tr> <td>R/D</td> <td>Refer to Drawer</td> </tr> <tr> <td>CD</td> <td>Compact Disc</td> </tr> <tr> <td>Stats SA</td> <td>Statistics South Africa</td> </tr> <tr> <td>TBVC</td> <td>Transkei, Bophuthatswana, Venda, Ciskei.</td> </tr> </table>	R/D	Refer to Drawer	CD	Compact Disc	Stats SA	Statistics South Africa	TBVC	Transkei, Bophuthatswana, Venda, Ciskei.
R/D	Refer to Drawer									
CD	Compact Disc									
Stats SA	Statistics South Africa									
TBVC	Transkei, Bophuthatswana, Venda, Ciskei.									
<b>Technical notes</b>										
<b>Response rate</b>		The response rate for October was 80,5%.								

## Glossary

<b>Acknowledgement of debt</b>	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.
<b>Bills</b>	Bills are statements of charges for services rendered or for amounts owed.
<b>Civil judgements</b>	Civil judgements are decisions taken in a civil matter or a dispute between two people or parties.
<b>Civil summonses</b>	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.
<b>Consent judgements</b>	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.
<b>Default judgements</b>	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.
<b>Hearings</b>	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.
<b>Instalment sale transactions</b>	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.
<b>Litigants</b>	Litigants are people who take part in court proceedings, usually against each other, like a debtor and a creditor.
<b>Litigants referred</b>	Litigants referred relates to a case where the parties have been referred to another instance/court.
<b>Open account transactions</b>	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.
<b>Other services</b>	"Other services" refers to municipal services (except outstanding assessment rates), plumbers, builders, mechanics, panel-beaters and electricians.
<b>Other kinds of debt</b>	"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.
<b>Plaintiff</b>	Plaintiff is a person/party in a civil case who asks the court for judgement against another person.
<b>Promissory note</b>	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.
<b>Reference month</b>	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.

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