



Statistics of civil cases for debt

October 2002

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Key figures for the month ended October 2002

Actual estimates	October 2002	% change between October 2001 and October 2002	% change between August 2001 to October 2001 and August 2002 to October 2002	% change between January 2001 to October 2001 and January 2002 to October 2002
Number of civil summonses issued for debt	141 968	+5,0	+4,0	-0,4
Number of civil judgements recorded for debt	94 597	+12,5	+6,1	-4,2
Value of civil judgements recorded for debt (R million)	589,4	-8,2	-19,8	-15,8

Seasonally adjusted estimates

	October 2002	% change between September 2002 and October 2002	% change between May 2002 to July 2002 and August 2002 to October 2002
Number of civil summonses issued for debt	136 359	+1,9	+6,3
Number of civil judgements recorded for debt	90 692	+3,4	+14,6
Value of civil judgements recorded for debt (R million)	587,2	-1,3	+1,5

Key findings as at the end of October 2002

The total number of civil summonses for debt increases

The total number of civil summonses issued for debt for the three months ended October 2002, after seasonal adjustment, increased by 6,3% compared with the previous three months. Furthermore, the total number of civil summonses issued for debt for the three months ended October 2002, increased by 4,0% compared with the three months ended October 2001. However, the total number of civil summonses issued for debt for the first ten months of 2002 decreased by 0,4% compared with the first ten months of 2001.

The major contributor to the increase of 4,0% in civil summonses issued for debt for the three months ended October 2002 compared with the three months ended October 2001 was civil summonses issued in respect of money lent (+4,1 percentage points). However, this increase was partially counteracted by a decrease in summonses issued for debt relating to 'other' services (-1,7 percentage points).

The total number of civil judgements recorded for debt increases

The total number of civil judgements recorded for debt for the three months ended October 2002, after seasonal adjustment, increased by 14,6% compared with the previous three months. Furthermore, the total number of civil judgements recorded for debt for the three months ended October 2002 increased by 6,1% compared with the three months ended October 2001. However, the total number of civil judgements recorded for debt for the first ten months of 2002 decreased by 4,2% compared with the first ten months of 2001.

The major contributors to the increase of 6,1% in the number of civil judgements recorded for debt for the three months ended October 2002 compared with the three months ended October 2001 were civil judgements recorded in respect of money lent (+8,0 percentage points) and promissory notes (+3,5 percentage points). However, these increases were partially counteracted by decreases in judgements recorded for debt relating to 'other' debts (-2,3 percentage points), professional services (-1,6 percentage points) and 'other' services (-1,4 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 October 2002, after seasonal adjustment, increased by 1,5% compared with the previous three months. However, the total value of civil judgements recorded for debt for the three months ended October 2002 decreased by 19,8% compared with the three months ended October 2001. Furthermore, the total value of civil judgements recorded for debt for the first ten months of 2002 decreased by 15,8% compared with the first ten months of 2001.

The major contributors to the decrease of 19,8% in the value of civil judgements recorded for debt for the three months ended October 2002 compared with the three months ended October 2001 were civil judgements recorded in respect of 'other' debts (-7,6 percentage points), money lent (-5,8 percentage points) and goods sold on account (-5,5 percentage points). However, this decrease was partially counteracted by an increase in judgements recorded for debt relating to instalment sale transactions (+1,9 percentage points).

During October 2002, 94 597 civil judgements for debt amounted to R589,4 million. The largest contributors to the R589,4 million were civil judgements relating to money lent (34,4% or R202,9 million) and 'other' debts (27,4% or R161,8 million).

Notes

Forthcoming issues

Issue

Expected release date

November 2002	23 January 2003
December 2002	20 February 2003
January 2003	27 March 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.

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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**
- 9 The statistical unit for collection of information is a magistrate's office. Magistrate's offices include the small claims courts.
 - 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.
- Survey methodology and design**
- 11 The survey is conducted by mail each month from approximately 152 magistrates' offices.

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.

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
		Oct.	Sept.	Oct.		Oct.	Sept.	Oct.
1. Cases recorded								
1.1 Actual figures	1 813 654	155 912	139 676	163 748	1 655 837	140 823	127 058	149 392
1.2 Seasonally adjusted		151 926	150 499	158 933		137 236	137 054	145 106
2. Civil summonses for debt								
2.1 Goods sold								
2.1.1 Open account	248 080	20 913	18 144	20 607	221 283	18 429	15 455	17 671
2.1.2 Instalment sale transactions	45 565	3 195	4 169	4 436	41 154	2 707	3 758	3 837
2.2 Services								
2.2.1 Professional	167 898	13 819	12 762	14 722	160 340	13 124	12 030	13 864
2.2.2 Other	322 400	25 219	22 094	24 734	301 137	23 560	20 787	23 229
2.3 Rent	82 665	6 972	6 809	7 001	66 000	5 347	5 749	5 706
2.4 Money lent	351 681	35 554	32 870	39 063	335 566	33 844	31 532	37 279
2.5 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	111 152	8 514	10 604	12 047	95 936	7 436	9 531	10 904
2.6 Other	234 135	21 006	18 936	19 358	209 683	17 734	16 121	16 978
2. Total								
2.7.1 Actual figures	1 563 576	135 192	126 388	141 968	1 431 098	122 181	114 963	129 469
2.7.2 Seasonally adjusted		129 464	133 878	136 358		118 608	122 050	126 024

Table 2 - Number of civil cases recorded in selected magistrates' offices

Year or month	Cape Peninsula	Port Elizabeth	East-London	Kimberley	Pieter-maritzburg	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	17 663	6 999	3 184	990	2 724	10 283	13 822	5 584	3 480	11 698	1 984	4 417
O	17 726	10 551	3 184	990	3 579	13 578	13 822	6 869	4 539	18 602	2 241	2 810

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
		Oct.	Sept.	Oct.		Oct.	Sept.	Oct.
1. Judgements								
1.1 Goods sold								
1.1.1 Open account	133 233	12 146	11 180	12 849	122 089	11 213	10 248	12 044
1.1.2 Instalment sale transactions	19 342	1 656	1 530	1 972	17 157	1 491	1 399	1 778
1.2 Services								
1.2.1 Professional	102 587	8 862	6 926	7 879	98 859	8 471	6 670	7 595
1.2.2 Other	159 631	13 182	12 038	12 599	151 104	12 432	11 383	11 726
1.3 Rent	46 551	3 408	3 747	3 717	38 495	2 783	2 956	2 901
1.4 Money lent	310 569	26 468	32 092	34 656	303 382	25 955	31 560	33 771
1.5 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	85 482	6 452	9 854	10 349	79 025	6 121	9 399	9 912
1.6 Other	152 749	11 898	9 527	10 576	142 434	11 208	8 971	9 890
1.7 Total								
1.7.1 Actual figures	1 010 144	84 072	86 894	94 598	952 545	79 674	82 588	89 617
1.7.2 Seasonally adjusted		80 079	87 696	90 692		75 907	83 491	85 966

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
		Oct.	Sept.	Oct.		Oct.	Sept.	Oct.
R1 000								
1. Judgements								
1.1 Goods sold								
1.1.1 Open account	1 025 789	72 189	49 988	56 723	848 081	55 974	38 540	45 359
1.1.2 Instalment sale transactions	353 756	27 661	32 610	25 124	286 119	22 431	21 830	24 019
1.2 Services								
1.2.1 Professional	218 869	16 013	14 646	17 412	200 675	13 935	12 589	16 017
1.2.2 Other	770 697	50 546	54 143	47 570	693 405	43 969	49 239	42 714
1.3 Rent	346 812	25 932	27 855	21 577	247 981	17 175	17 548	14 949
1.4 Money lent	2 954 066	253 188	211 181	202 914	2 742 300	240 127	194 473	184 974
1.5 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	761 520	74 746	44 214	56 363	625 223	66 143	37 078	46 721
1.6 Other	2 729 738	121 980	118 056	161 766	2 080 050	96 704	97 216	121 505
1.7 Total								
1.7.1 Actual figures	9 161 247	642 255	552 693	589 449	7 723 837	556 458	468 513	496 259
1.7.2 Seasonally adjusted		638 753	594 817	587 200		564 237	499 581	502 167

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

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