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



Statistical release P0041

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DEBT CASES HIGHER THAN LAST YEAR


The total number of civil summonses for debt issued during the third quarter of 1997 shows an increase of 12,1% (from 344 767 to 386 473) compared with the same quarter of 1996. However, compared with the second quarter of 1997, the total number of summonses for debt reflects a decrease of 7,2% after seasonal adjustment. This is mainly due to the exceptionally high number of civil summonses reported in April. The total number of civil judgements for debt for the third quarter is 27,0% higher than for the same quarter of 1996, and shows an increase of 6,0% after seasonal adjustment compared with the second quarter of 1997.

The increase of 12,1% in the number of summonses for debt can mainly be attributed to increases in summonses issued in respect of "other services" (+23,5%) and money lent (+25,3%). However, decreases were reported for summonses issued in respect of goods sold on open account (-6,3%) and professional services (-2,3%).

The increase of 27,0% in civil judgements for debt can be attributed to substantial increases in civil judgements relating to "other services" (+60,1%) and money lent (+69,5%).

The total number of civil judgements for debt issued during September was 67 794, which involved R473,9 million. The largest amounts were reported in respect of civil judgements regarding money lent (R190,3 million) and goods sold on open account (R44,2 million), constituting 40,2% and 9,3% of the total debt, respectively.

| Period | Number | | Percentage change | |
|-------------------------------------|--------------------|---------------------------|--------------------|---------------------------|
| | Summonses for debt | Civil judgements for debt | Summonses for debt | Civil judgements for debt |
| Actual figures: | | | | |
| Jul. 1997 - Sept. 1997 | 386 473 | 203 754 | +12,1 | +27,0 |
| Jul. 1996 - Sept. 1996 | 344 767 | 160 459 | | |
| Seasonally adjusted figures: | | | | |
| Jul. 1997 - Sept. 1997 | 374 035 | 191 000 | -7,2 | +6,0 |
| Apr. 1997 - Jun. 1997 | 403 254 | 180 200 | | |


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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.

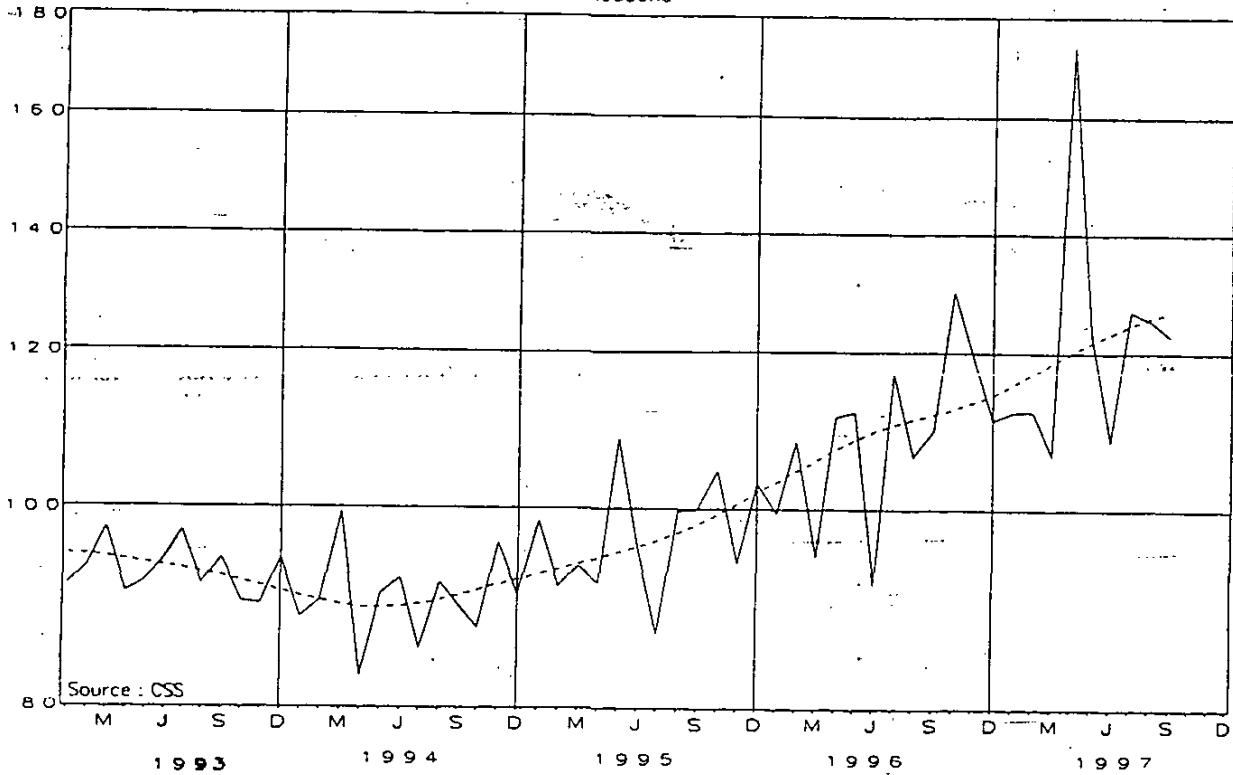
COMPARABILITY

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.

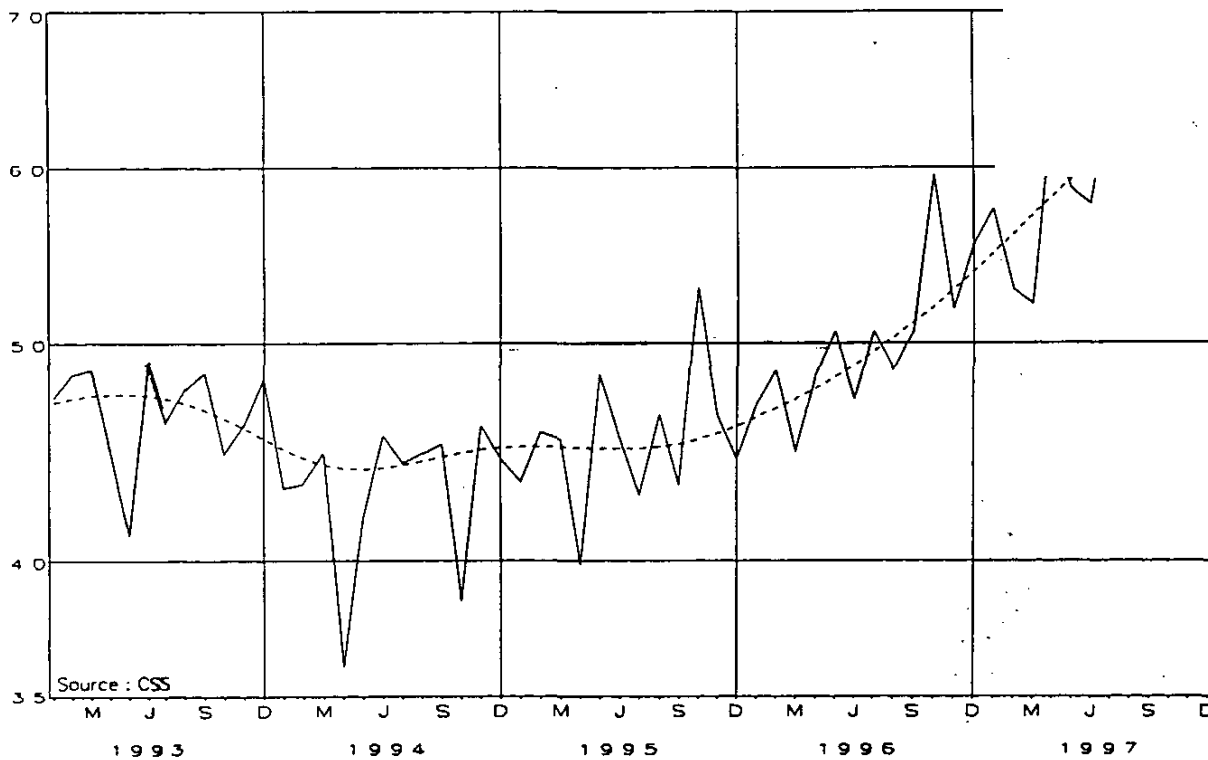
CIVIL SUMMONSES ISSUED - NUMBER
Thousand



Scale: Semi-Logarithmic

Seasonally adjusted ———
Trend cycle - - - -

CIVIL JUDGEMENTS FOR DEBT - NUMBER
Thousand



Scale: Semi-Logarithmic

Seasonally adjusted ———
Trend cycle - - - -

TABLE 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 |
|---------------|----------------|----------------|-------------|-----------|------------------|--------|--------------|-----------|-----------|----------|--------------------------------|--------------|
| 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 | 8 069 | 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 | 12 697 | 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 | 14 932 | 10 631 | 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 | 1 380 |
| A | 15 543 | 6 233 | 1 721 | 696 | 2 198 | 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 | 3 986 | 1 663 |

TABLE 3 - CIVIL DEFAULT AND CONSENT JUDGEMENTS FOR DEBT

| Item | Business enterprises and private persons | | | | Private persons | | | |
|---|--|---------|---------|---------|-----------------|---------|---------|---------|
| | 1997 | | 1996 | | 1997 | | 1996 | |
| | Sept. | Aug. | Sept. | Aug. | Sept. | Aug. | Sept. | Aug. |
| | Number | | | | | | | |
| 1. Judgements | | | | | | | | |
| 1.1 Total | 603 846 | 67 794 | 66 208 | 53 425 | 561 217 | 63 716 | 62 265 | 49 806 |
| 1.1.1 Actual figures | 64 715 | 61 834 | 50 675 | | | 60 638 | 58 030 | 47 077 |
| 1.1.1.2 Seasonally adjusted | | | | | | | | |
| 1.2 Goods sold | 134 645 | 11 713 | 12 416 | 11 996 | 122 534 | 10 433 | 11 284 | 10 970 |
| 1.2.1 Open account | 9 052 | 902 | 999 | 809 | 8 271 | 824 | 867 | 726 |
| 1.2.2 Instalment sale transactions | | | | | | | | |
| 1.3 Services | 93 755 | 7 833 | 7 773 | 7 525 | 90 846 | 7 607 | 7 592 | 7 251 |
| 1.3.1 Professional | 118 921 | 18 001 | 14 938 | 10 515 | 110 981 | 17 094 | 14 207 | 9 783 |
| 1.3.2 Other | | | | | | | | |
| 1.4 Rent | 29 958 | 2 262 | 2 503 | 2 135 | 24 070 | 1 975 | 2 084 | 1 687 |
| 1.5 Money lent | 82 691 | 12 126 | 12 332 | 7 874 | 80 629 | 11 834 | 11 894 | 7 683 |
| 1.6 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt | 53 940 | 5 221 | 5 891 | 5 226 | 49 863 | 4 922 | 5 516 | 4 921 |
| 1.7 Other | 80 684 | 9 736 | 9 557 | 7 345 | 74 023 | 9 027 | 8 821 | 6 785 |
| | R1 000 | | | | | | | |
| 1. Judgements | | | | | | | | |
| 1.1 Total | 3 829 184 | 473 860 | 453 651 | 355 448 | 3 264 045 | 403 819 | 384 210 | 301 322 |
| 1.2 Goods sold | 386 345 | 44 202 | 39 500 | 33 483 | 257 609 | 26 539 | 25 584 | 21 716 |
| 1.2.1 Open account | 142 454 | 17 510 | 22 461 | 22 104 | 128 064 | 15 723 | 18 871 | 9 361 |
| 1.2.2 Instalment sale transactions | | | | | | | | |
| 1.3 Services | 110 277 | 10 682 | 10 690 | 9 166 | 100 548 | 9 453 | 9 837 | 8 124 |
| 1.3.1 Professional | 244 902 | 36 863 | 31 889 | 22 388 | 195 332 | 30 304 | 26 275 | 17 774 |
| 1.3.2 Other | | | | | | | | |
| 1.4 Rent | 170 205 | 16 013 | 17 628 | 11 807 | 124 007 | 12 489 | 13 168 | 8 752 |
| 1.5 Money lent | 1 583 121 | 190 295 | 200 571 | 145 600 | 1 495 704 | 181 100 | 188 393 | 140 729 |
| 1.6 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt | 410 055 | 37 642 | 45 845 | 44 440 | 362 485 | 33 901 | 37 275 | 37 566 |
| 1.7 Other | 781 825 | 120 653 | 85 067 | 76 460 | 600 296 | 94 310 | 64 807 | 57 300 |

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