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# Statistics of civil cases for debt

September 1998

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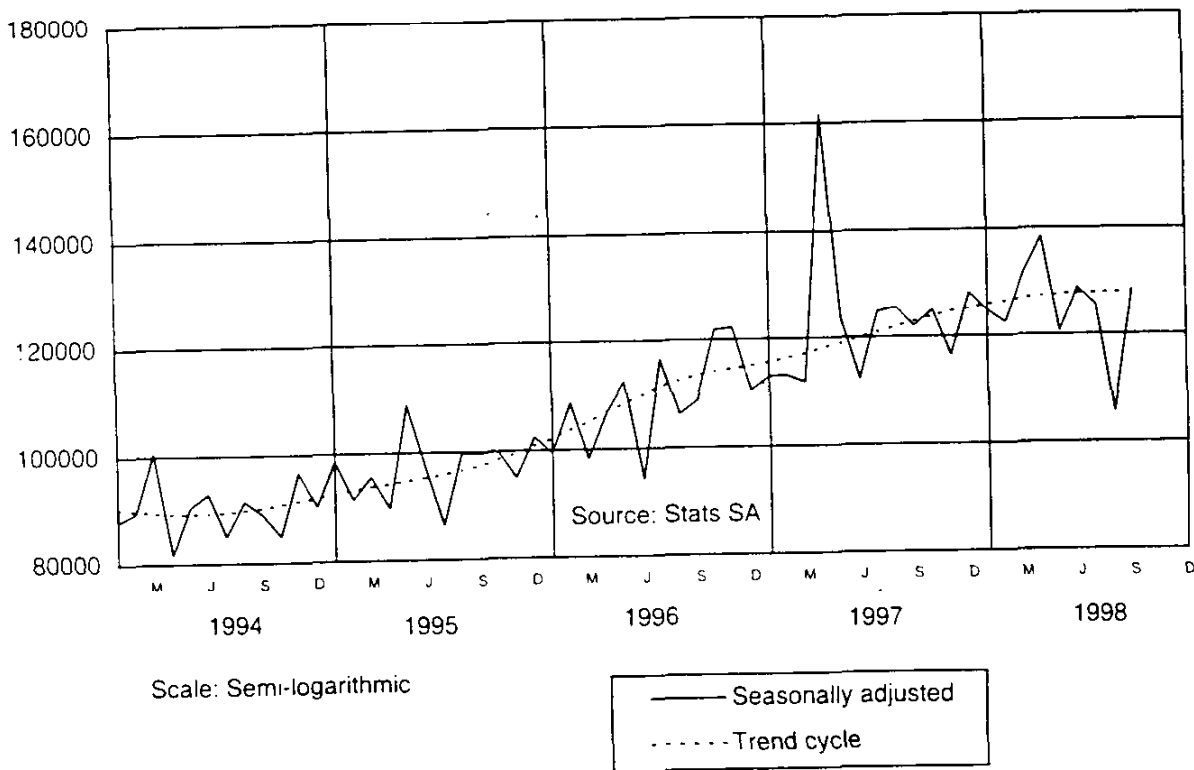
**CIVIL SUMMONSES FOR DEBT DECREASE WHILE CIVIL JUDGEMENTS FOR DEBT INCREASE**

*The total number of civil summonses for debt recorded for the third quarter of 1998 decreased by 7,3% after seasonal adjustment compared with the second quarter of 1998 and was 3,5% lower than the third quarter of 1997. The total number of civil judgements for debt increased by 24,2% after seasonal adjustment compared with the second quarter of 1998 and was 26,0% higher than the third quarter of 1997.*

The decrease of 7,3% in civil summonses for debt can mainly be attributed to fewer civil summonses issued in respect of "other services" (-24,4%) and goods sold on open account (-3,0%). During September 1998, 30,1% or 37 678 of the total summonses for debt issued were for summonses relating to "other services" and 17,3% or 21 654 were regarding money lent.

During September 1998, 83 073 civil judgements for debt were issued which involved R557,4 million. The major contributors to the R557,4 million were civil judgements for debt relating to money lent (R236,2 million), followed by promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt (R53,0 million) and goods sold on open account (R46,4 million).

**CIVIL SUMMONSES ISSUED - NUMBER**



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>				
Jul. 1998 - Sept. 1998	372 938	256 678	-3,5	+26,0
Jul. 1997 - Sept. 1997	386 473	203 754		
<b>Seasonally adjusted figures:</b>				
Jul. 1998 - Sept. 1998	359 657	240 276	-7,3	+24,2
Apr. 1998 - Jun. 1998	387 928	193 388		

#### EXPLANATORY NOTES

The particulars 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, ejection orders and other non-debt cases are excluded.

Default and consent judgements relate to judgements given in respect of undefended debt cases only.

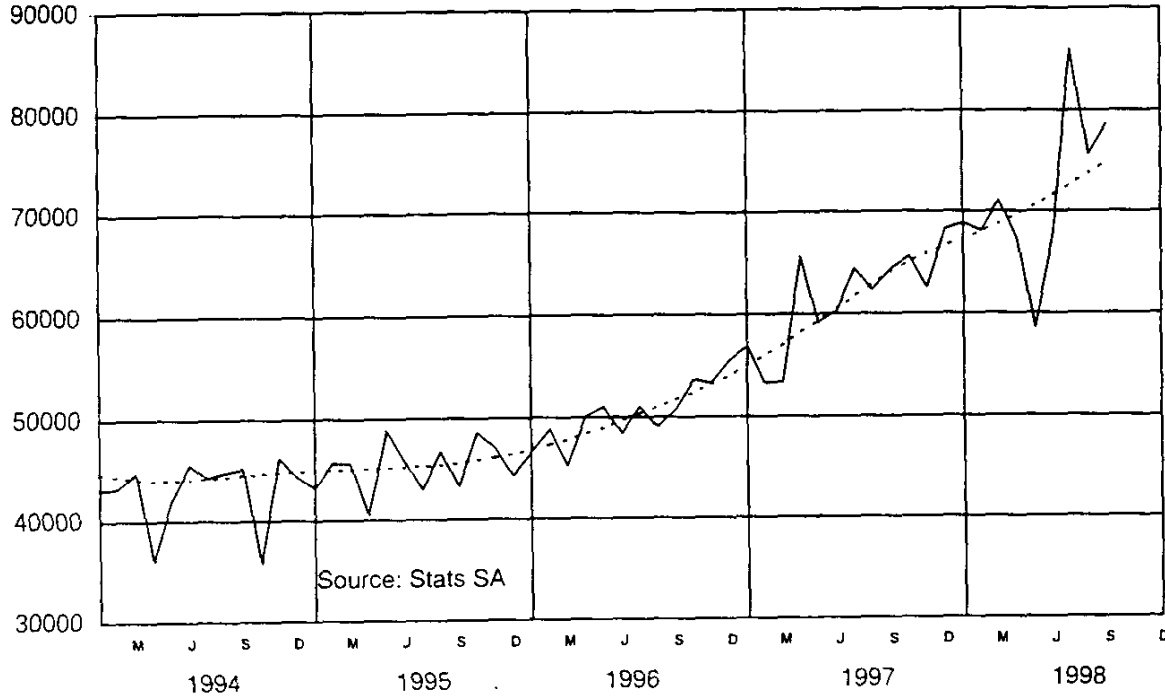
#### COMPARABILITY

The jurisdiction limit for civil cases handled by 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.

#### SMALL CLAIMS COURTS

Statistics in respect of small claims courts are updated annually.

### CIVIL JUDGEMENTS FOR DEBT - NUMBER



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		
	1997	1998	1997	1997	1998	1997
	Sept.	Aug.	Sept.	Sept.	Aug.	Sept.
	Number					
1. Cases recorded	1 546 465	134 839	121 345	126 567	1 374 961	110 122
1.1 Actual figures						114 656
1.2 Seasonally adjusted	137 567	116 445	128 834	124 870	105 179	116 274
2. Civil summonses for debt	1 476 165	125 055	110 189	119 273	1 316 611	108 317
2.1 Total						109 986
2.1.1 Actual figures						108 317
2.1.2 Seasonally adjusted	128 401	105 597	122 007	116 869	95 326	109 986
2.2 Goods sold	260 430	19 469	16 670	23 163	224 674	14 535
2.2.1 Open account						20 737
2.2.2 Instalment sale transactions	43 813	3 014	2 720	3 699	39 060	2 457
2.3 Services	193 793	12 941	13 557	16 162	181 433	15 240
2.3.1 Professional						12 592
2.3.2 Other	418 095	37 678	29 694	29 301	381 452	27 057
2.4 Rent	75 350	5 430	5 246	6 693	52 385	4 265
2.5 Money lent	213 227	21 654	19 531	18 121	199 886	18 417
2.6 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	97 731	8 967	7 200	7 674	85 039	6 595
2.7 Other	173 726	15 902	15 571	14 460	152 682	14 087
						12 747

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
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
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
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	1 380
A	15 343	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
O	13 845	12 731	1 751	760	3 456	11 399	16 002	7 426	3 097	13 795	8 594	2 344
M	14 830	9 963	1 617	613	2 775	9 444	15 736	8 944	3 081	10 014	6 406	1 912
D	12 960	6 749	1 648	450	2 310	7 436	11 306	6 408	2 317	6 724	1 670	1 302
1998 - J	10 414	7 305	1 749	498	2 946	6 800	11 125	5 585	3 006	6 772	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	37 245*	3 176	840	2 820	11 312	10 123	6 306	6 746	11 257	2 728	1 708
A	12 514	17 824*	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

TABLE 3 - CIVIL DEFAULT AND CONSENT JUDGEMENTS FOR DEBT

Item	Business enterprises and private persons						Private persons									
	1997		1998		1997		1998		1997		1998					
	Sept.	Aug.	Sept.	Aug.	Sept.	Aug.	Sept.	Aug.	Sept.	Aug.	Sept.					
	Number															
1. Judgements																
1.1 Total	736 264	83 073	80 171	67 794	689 927	78 355	75 839	63 716	135 496	11 851	12 007	11 713	123 279	10 664	11 003	10 433
1.1.1 Actual figures	78 720	78 720	75 654	64 304					11 636	1 293	1 317	902	10 633	1 228	1 264	824
1.1.2 Seasonally adjusted																
1.2 Goods sold																
1.2.1 Open account																
1.2.2 Instalment sale transactions																
1.3 Services																
1.3.1 Professional	92 399	9 957	8 398	7 833	89 600	9 709	8 223	7 607	163 725	17 396	24 007	18 001	154 323	16 504	22 973	17 094
1.3.2 Other																
1.4 Rent	30 302	3 176	2 738	2 262	23 795	2 074	1 874	1 975	135 704	19 228	15 985	12 126	132 805	19 022	15 795	11 834
1.5 Money lent	65 918	6 996	5 291	5 221	61 897	6 704	5 023	4 922								
1.6 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt																
1.7 Other	101 084	13 176	10 427	9 736	93 595	12 450	9 684	9 027								
	R1 000															
1. Judgements																
1.1 Total	5 295 876	557 408	500 928	473 860	4 543 651	482 090	431 080	403 819								
1.2 Goods sold																
1.2.1 Open account	462 462	46 409	46 494	44 202	301 544	30 837	32 607	26 539								
1.2.2 Instalment sale transactions	254 877	33 479	28 292	17 510	219 404	30 329	26 477	15 723								
1.3 Services																
1.3.1 Professional	130 017	19 000	14 338	10 682	116 976	17 749	13 508	9 453	388 655	43 980	47 156	36 863	318 375	37 066	41 573	30 304
1.3.2 Other																
1.4 Rent	192 252	17 584	19 880	16 013	142 025	11 578	13 905	12 489	2 325 543	236 212	176 049	190 295	2 185 360	222 671	162 902	181 100
1.5 Money lent	528 046	52 954	61 706	37 642	466 173	47 908	57 788	33 901								
1.6 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt																
1.7 Other	1 014 024	107 790	107 013	120 653	793 794	83 952	82 320	94 310								



## 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 4 - SMALL CLAIMS COURTS, LITIGANTS REFERRED, SUMMONSES ISSUED AND HEARINGS**

Item	1997	1996	1995	1994	1993	1992	1991	1990
	Number							
Courts	143	120	113	111	109	106	103	92
Litigants referred	13 423	21 230	20 154	20 101	19 502	18 906	16 857	16 474
Summonses issued	25 417	27 463	24 905	25 112	24 929	24 942	19 520	16 551
Hearings	26 622	27 690	25 746	25 356	23 953	23 421	17 814	15 540

Source: Department of Justice