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Statistics of civil cases for debt

September 1999

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Published by
Statistics South Africa
Private Bag X44
Pretoria
0001

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CIVIL SUMMONSES FOR DEBT HIGHER THAN A YEAR AGO

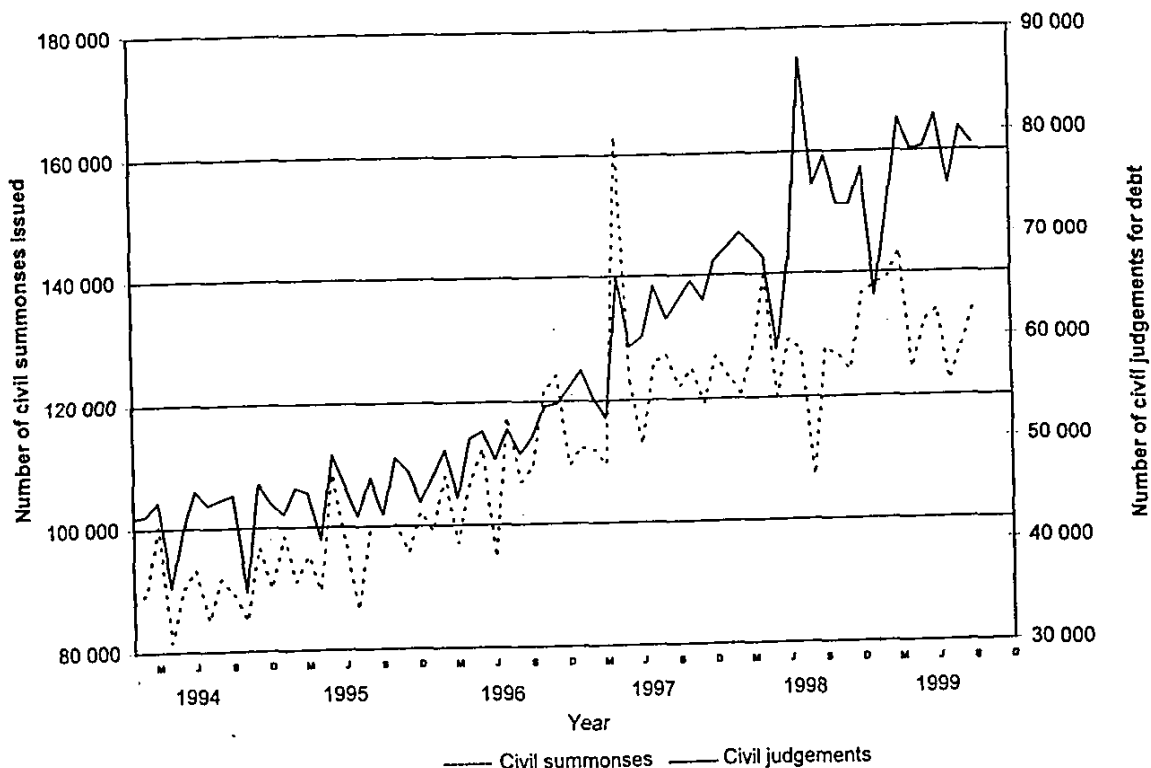
The total number of civil summonses for debt recorded for the third quarter of 1999 reflects an increase of 5,8% (from 372 938 to 394 558) compared with the third quarter of 1998. However, the total number of civil summonses for debt recorded for the third quarter of 1999, after seasonal adjustment is 1,5% lower than the previous quarter.

The total number of civil judgements for debt recorded for the third quarter of 1999 decreased by 2,1% (from 256 678 to 251 312) compared with the corresponding period of 1998. Furthermore, the total number of civil judgements for debt recorded for the third quarter of 1999, after seasonal adjustment, is 1,8% lower than the preceding quarter.

The largest contributors to the 5,8% increase in civil summonses for debt were summonses relating to money lent (+21,5%), promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt (+10,9%) and professional services (+8,9%). During September 1999, 32,9% or 43 119 of the total summonses for debt issued was in respect of services; 21,6% or 28 286 was for civil summonses relating to money lent, and 15,1% or 19 879 was in respect of goods sold on open account.

During September 1999, 84 746 civil judgements for debt were issued amounting to R673,7 million. The largest contributors to the R673,7 million were civil judgements relating to money lent (R274,4 million), followed by civil judgements in respect of promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt (R56,1 million) and goods sold on open account (R54,3 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
Actual figures:				
Jul. 1999 - Sept.1999	394 558	251 312	+5,8	-2,1
Jul. 1998 - Sept.1998	372 938	256 678		
Seasonally adjusted figures:				
Jul. 1999 - Sept.1999	384 929	233 621	-1,5	-1,8
Apr. 1999 - Jun. 1999	390 703	237 962		

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	
	Sept.	Aug.	Sept.	Aug.	Sept.	Aug.	Sept.	Aug.	Sept.	Aug.	Sept.	Aug.
1. Cases recorded	1 619 083	141 718	140 837	134 839	1 473 808	128 871	128 224	122 753	131 120	126 230	124 754	
1.1 Actual figures												
1.1.2 Seasonally adjusted	144 608	140 619	137 430									
2. Civil summonses for debt	1 508 999	131 256	131 385	125 055	1 375 287	119 912	120 827	114 713	121 788	116 865	116 308	
2.1 Total												
2.1.1 Actual figures												
2.1.1.2 Seasonally adjusted	134 424	128 145	127 878									
2.2 Goods sold	234 857	19 879	20 145	19 469	206 154	18 004	18 179	17 354	2 645	2 231	2 606	
2.2.1 Open account	36 053	3 022	2 506	3 014	31 639							
2.2.2 Instalment sale transactions												
2.3 Services	175 855	15 007	15 742	12 941	163 941	13 715	14 756	11 845	25 734	26 341	35 654	
2.3.1 Professional	424 975	28 112	28 494	37 678	394 185							
2.3.2 Other												
2.4 Rent	63 796	6 126	4 913	5 430	50 891	5 214	4 047	4 101	26 778	28 772	20 588	
2.5 Money lent	261 162	28 286	29 974	21 654	244 867	26 778	28 772	20 588	9 875	8 628	8 190	
2.6 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	107 581	10 503	9 246	8 967	96 912							
2.7 Other	204 720	20 321	20 365	15 902	186 698	17 947	17 873	14 375				

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 - JI	10 414	7 305	1 749	498	2 946	6 800	11 125	5 585	3 006	8 772	2 271	2 725
FI	15 957	7 851	2 117	493	2 073	8 450	10 956	7 383	3 503	8 881	3 374	1 683
MI	17 248	10 074	2 290	697	2 663	10 504	11 170	8 489	3 555	10 521	3 190	2 007
AI	15 936	14 132	1 880	653	2 250	9 613	18 788	8 841	3 433	9 124	3 085	2 258
MI	15 160	13 035	1 946	744	2 270	11 174	10 114	8 444	5 541	9 099	2 373	1 803
JI	17 145	15 984	2 879	803	2 275	11 287	13 118	7 541	4 044	10 326	7 294	1 556
JI	20 355	10 790	3 176	840	2 820	11 312	10 123	6 306	6 746	11 257	2 728	1 708
AI	12 514	10 694	2 844	563	2 314	9 546	9 833	4 922	4 028	8 009	2 549	1 189
SI	14 367	16 388	2 078	643	2 152	11 218	10 860	7 912	3 681	8 883	2 726	644
OI	13 306	18 454	2 613	711	2 670	7 752	13 161	7 093	3 555	9 357	2 497	1 880
NI	15 558	9 787	2 078	664	2 940	7 353	7 718	8 045	4 060	11 538	3 298	2 209
DI	13 064	9 183	2 038	606	1 989	5 837	8 504	6 311	2 461	8 059	4 920	2 547
1999 - JI	12 520	14 821	4 475	774	2 372	7 524	6 389	5 737	2 312	8 543	4 197	1 338
FI	16 758	7 212	1 889	1 266	2 840	9 869	20 935	6 772	4 753	10 529	5 099	2 568
MI	17 963	7 700	5 594	1 470	2 791	13 314	13 003	7 606	3 608	14 386	4 282	3 298
AI	14 598	11 130	3 018	870	2 692	9 251	9 928	7 216	2 713	8 187	3 516	2 160
MI	19 003	15 590	1 753	1 899	3 535	9 182	8 993	7 297	3 758	10 494	4 797	3 305
JI	19 674	16 411	4 782	1 044	2 947	9 158	11 020	8 377	3 862	10 513	6 478	2 694
JI	16 015	11 566	1 526	1 841	3 054	9 218	10 123	8 409	4 876	10 515	7 121	2 127
AI	15 112	11 085	3 892	1 328	2 739	10 273	8 433	8 155	5 221	10 248	5 695	1 711
SI	14 367	9 193	4 618	653	2 125	10 730	10 404	8 882	4 026	11 747	3 620	2 402

TABLE 3 - CIVIL DEFAULT AND CONSENT JUDGEMENTS FOR DEBT

Item	Business enterprises and private persons						Private persons						
	1998		1999		1998		1998		1999		1998		
	Sept.	Aug.	Sept.	Aug.	Sept.	Aug.	Sept.	Aug.	Sept.	Aug.	Sept.		
	Number												
1. Judgements													
1.1 Total	864 554	84 746	85 939	83 073	812 495	79 715	80 973	78 355	78 355	78 355	78 355	78 355	78 355
1.1.1 Actual figures		78 643	80 173	77 565		73 742	75 216	72 955					
1.1.1.2 Seasonally adjusted													
1.2 Goods sold	133 896	14 912	14 259	11 851	120 892	13 614	13 081	10 664					
1.2.1 Open account	16 170	1 768	1 783	1 293	14 675	1 651	1 658	1 228					
1.2.2 Instalment sale transactions													
1.3 Services	97 052	8 090	9 861	9 957	94 501	7 701	9 317	9 709					
1.3.1 Professional	199 715	13 589	12 975	17 396	187 261	12 858	12 093	16 504					
1.3.2 Other													
1.4 Rent	32 484	3 133	2 961	3 176	24 858	2 622	2 433	2 074					
1.5 Money lent	185 153	19 560	24 022	19 228	182 020	19 255	23 654	19 022					
1.6 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	65 086	6 007	6 758	6 996	60 786	5 494	6 275	6 704					
1.7 Other	134 998	17 687	13 320	13 176	127 502	16 520	12 462	12 450					
	R1 000												
1. Judgements													
1.1 Total	6 388 098	673 685	705 188	557 408	5 475 146	577 722	587 843	482 090					
1.2 Goods sold	547 637	54 297	62 942	46 409	366 703	36 081	44 139	30 837					
1.2.1 Open account	322 633	30 788	37 075	33 479	281 936	24 806	31 751	30 329					
1.2.2 Instalment sale transactions													
1.3 Services	169 718	16 202	20 296	19 000	151 378	14 224	17 032	17 749					
1.3.1 Professional	494 851	41 920	41 184	43 980	418 555	36 190	34 931	37 066					
1.3.2 Other													
1.4 Rent	224 191	24 408	21 295	17 584	165 551	18 413	16 271	11 578					
1.5 Money lent	2 413 180	274 417	290 958	236 212	2 255 045	256 456	275 891	222 671					
1.6 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	638 841	56 068	61 157	52 954	553 328	51 522	51 894	47 908					
1.7 Other	1 577 047	175 585	170 291	107 790	1 282 650	140 030	115 934	83 952					

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