

P0041

Statistics of civil cases for debt

September 2001

Embargo: 11:00

Date: 22 November 2001

Key figures for the month ended September 2001

Actual estimates	September 2001	% change between September 2000 and September 2001	% change between July 2000 to September 2000 and July 2001 to September 2001	% change between January 2000 to September 2000 and January 2001 to September 2001
Number of civil summonses issued for debt	114 786	-9,9	-4,8	-0,7
Number of civil judgements recorded for debt	82 783	+12,4	+7,8	+2,2
Value of civil judgements recorded for debt (R million)	722,7	+36,7	+31,6	+31,0

Seasonally adjusted estimates	September 2001	% change between August 2001 and September 2001	% change between April 2001 to June 2001 and July 2001 to September 2001
Number of civil summonses issued for debt	119 833	-7,1	-2,8
Number of civil judgements recorded for debt	83 306	+1,8	+4,0
Value of civil judgements recorded for debt (R million)	733,7	-5,2	+6,7

Key findings for the month ended September 2001

The total number of civil summonses issued for debt decreases

The total number of civil summonses issued for debt for the third quarter of 2001, after seasonal adjustment, decreased by 2,8% compared with the previous quarter. Furthermore, the total number of civil summonses issued for debt for the third quarter of 2001 decreased by 4,8% compared with the third quarter of 2000. The total number of civil summonses issued for debt for the first nine months of 2001 decreased slightly by 0,7% compared with the first nine months of 2000.

The major contributor to the decrease of 4,8% in civil summonses issued for debt for the third quarter of 2001 compared with the third quarter 2000 was civil summonses issued in respect of 'other' services (-4,1 percentage points).

The total number of civil judgements recorded for debt increases

The total number of civil judgements recorded for debt for the third quarter of 2001, after seasonal adjustment, increased by 4,0% compared with the previous quarter. Furthermore, the total number of civil judgements recorded for debt for the third quarter of 2001 increased by 7,8% compared with the third quarter of 2000. The total number of civil judgements recorded for debt for the first nine months of 2001 increased by 2,2% compared with the first nine months of 2000.

The major contributors to the increase of 7,8% in the number of civil judgements recorded for debt for the third quarter of 2001 compared with third quarter of 2000 were civil judgements recorded in respect of money lent (+4,2 percentage points), 'other' services (+2,1 percentage points) and promissory notes (+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 third quarter of 2001, after seasonal adjustment, increased by 6,7% compared with the previous quarter. The total value of civil judgements recorded for debt for the third quarter of 2001 increased by 31,6% compared with the third quarter of 2000. Furthermore, the total value of civil judgements recorded for debt for the first nine months of 2001 increased by 31,0% compared with the first nine months of 2000.

The major contributors to the increase of 31,6% in the value of civil judgements recorded for debt for the third quarter of 2001 compared with the third quarter of 2000 were civil judgements recorded in respect of 'other' debts (+15,0 percentage points), money lent (+7,6 percentage points) and goods sold on account (+6,4 percentage points).

During September 2001, 82 783 civil judgements for debt amounted to R722,7 million. The largest contributors to the R722,7 million were civil judgements relating to money lent (35,8% or R258,6 million) and 'other' debts (31,8% or R229,8 million).

Notes

Forthcoming issues

Issue	Expected release date
October 2001	20 December 2001
November 2001	24 January 2002
December 2001	21 February 2002

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; and
 - 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 September 1995. A comparison with the period prior to September 1995 must thus be handled with circumspection.

Statistical unit	<p>9 The statistical unit for collection of information is a magistrate's office. Magistrate's offices include the small claims courts.</p> <p>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.</p>
Survey methodology and design	<p>6 The survey is conducted by mail each month from approximately 152 magistrates' offices.</p>
Seasonal adjustment	<p>12 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.</p>
Trend cycle	<p>13 Smoothed seasonally adjusted estimates are generated using the X-11 Seasonal Adjustment Programme.</p>
Publications	<p>14 Users may also wish to refer to the following publications:</p> <ul style="list-style-type: none"> • Bulletin of Statistics issued quarterly. • SA Statistics issued annually.
Unpublished statistics	<p>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.</p>
Symbols and abbreviations	<p>16 R/D Refer to Drawer CD Compact Disc Stats SA Statistics South Africa TBVC Transkei, Bophuthatswana, Venda, Ciskei.</p>
Technical notes	
Response rates	<p>The response rate for September was 87,0%.</p>

Glossary

Acknowledgement of debt	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.
Bills	Bills are statements of charges for services rendered or for amounts owed.
Civil judgements	Civil judgements are decisions taken in a civil matter or a dispute between two people or parties.
Civil summonses	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.
Consent judgements	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.
Default judgements	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.
Hearings	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.
Instalment sale transactions	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.
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 debts” 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.

For more information

Stats SA publishes approximately 300 different statistical releases each year. It is not economically viable to produce them in more than one of South Africa's eleven official languages. Since the releases are used extensively, not only locally but also by international economic and social-scientific communities, Stats SA releases are published in English only.

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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			
	2000	2000	2001	2001	2000	2000	2001	2001
		Sept.	Aug.	Sept.		Sept.	Aug.	Sept.
1. Cases recorded								
1.1 Actual figures	1 760 348	139 854	150 850	125 517	1 586 605	128 305	138 542	114 086
1.2 Seasonally adjusted		148 922	150 363	134 279		136 131	136 973	121 668
2. Civil summonses for debt								
2.1 Goods sold								
2.1.1 Open account	256 571	19 141	20 741	17 205	228 045	17 339	18 343	14 971
2.1.2 Instalment sale transactions	38 918	3 171	3 455	3 019	32 674	2 754	3 129	2 716
2.2 Services								
2.2.1 Professional	181 817	15 618	13 898	13 605	167 564	14 480	13 150	13 085
2.2.2 Other	389 839	32 765	25 715	23 822	361 550	30 743	24 148	21 910
2.3 Rent	67 099	6 222	7 491	5 309	52 761	5 037	6 069	4 013
2.4 Money lent	317 792	24 541	29 486	26 260	297 042	22 955	28 136	24 830
2.5 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	106 226	9 242	10 001	8 561	92 352	8 376	8 512	7 501
2.6 Other	220 187	16 706	21 867	17 005	194 931	14 907	19 890	15 185
2.7 Total								
2.7.1 Actual figures	1 578 449	127 406	132 654	114 786	1 426 912	116 589	121 378	104 211
2.7.2 Seasonally adjusted		132 831	128 973	119 833		121 064	117 120	108 458

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
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
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
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
N	21 303	14 388	2 876	1 516	4 026	9 305	10 352	9 972	3 212	11 268	3 799	3 096
D	14 891	5 228	2 348	1 442	2 489	7 043	7 216	7 067	2 694	7 599	3 307	2 485
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

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			
	2000	2000	2001	2001	2000	2000	2001	2001
		Sept.	Aug.	Sept.		Sept.	Aug.	Sept.
Number								
1. Judgements								
1.1 Goods sold								
1.1.1 Open account	144 343	11 222	11 868	10 941	133 518	10 194	10 845	10 181
1.1.2 Instalment sale transactions	18 244	1 153	1 665	1 482	16 238	1 035	1 414	1 265
1.2 Services								
1.2.1 Professional	98 214	7 472	8 765	8 432	95 094	7 227	8 413	8 082
1.2.2 Other	175 766	11 844	14 597	15 852	167 692	11 288	14 036	15 329
1.3 Rent	39 547	2 500	4 653	3 835	31 904	1 848	4 110	3 390
1.4 Money lent	256 609	20 828	26 521	25 179	250 085	20 268	25 919	24 548
1.5 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	82 899	4 911	6 602	5 449	78 798	4 646	6 226	5 006
1.6 Other	154 024	13 752	11 338	11 613	144 412	12 730	10 738	10 977
1.7 Total								
1.7.1 Actual figures	969 646	73 682	86 009	82 783	917 745	69 236	81 701	78 778
1.7.2 Seasonally adjusted		73 388	81 868	83 306		69 122	77 586	79 509

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			
	2000	2000	2001	2001	2000	2000	2001	2001
		Sept.	Aug.	Sept.		Sept.	Aug.	Sept.
	R1 000							
1. Judgements								
1.1 Goods sold								
1.1.1 Open account	741 285	54 756	160 314	59 526	574 764	41 898	143 790	46 955
1.1.2 Instalment sale transactions	357 335	23 185	28 777	22 011	303 949	17 686	22 541	17 938
1.2 Services								
1.2.1 Professional	184 612	14 759	13 541	13 343	166 067	13 045	12 233	12 164
1.2.2 Other	593 344	39 418	61 707	47 700	529 045	37 360	55 066	43 148
1.3 Rent	308 849	21 261	28 498	23 879	214 729	15 431	20 774	17 669
1.4 Money lent	2 721 283	199 450	265 542	258 604	2 465 971	180 235	249 127	237 982
1.5 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	733 966	58 321	72 309	67 849	632 512	52 301	64 170	58 994
1.6 Other	1 440 829	117 510	196 206	229 807	1 117 832	84 145	140 248	192 853
1.7 Total	7 081 503	528 660	826 894	722 718	6 004 871	442 101	707 949	627 704
Seasonally adjusted		534 734	774 282	733 715		442 390	661 358	630 144

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