



Statistics of civil cases for debt

September 2002

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Key figures for the month ended September 2002

Actual estimates	September 2002	% change between September 2001 and September 2002	% change between July 2001 to September 2001 and July 2002 to September 2002	% change between January 2001 to September 2001 and January 2002 to September 2002
Number of civil summonses issued for debt	124 436	+8,9	+2,7	-1,1
Number of civil judgements recorded for debt	86 469	+4,6	-0,8	-6,3
Value of civil judgements recorded for debt (R million)	554,0	-23,1	-23,0	-16,4

Seasonally adjusted estimates	September 2002	% change between August 2002 and September 2002	% change between April 2002 to June 2002 and July 2002 to September 2002
Number of civil summonses issued for debt	131 838	+4,0	+0,4
Number of civil judgements recorded for debt	86 499	+5,3	+7,7
Value of civil judgements recorded for debt (R million)	597,0	+4,3	+1,6

Key findings as at the end of September 2002

The total number of civil summonses for debt increases

The total number of civil summonses issued for debt for the third quarter of 2002, after seasonal adjustment, increased by 0,4% compared with the second quarter of 2002. Furthermore, the total number of civil summonses issued for debt for the third quarter of 2002, increased by 2,7% compared with the third quarter of 2001. However, the total number of civil summonses issued for debt for the first nine months of 2002 decreased by 1,1% compared with the first nine months of 2001.

The major contributor to the increase of 2,7% in civil summonses issued for debt for the third quarter of 2002 compared with the third quarter of 2001 was civil summonses issued in respect of money lent (5,6 percentage points). However, this increase was partially counteracted by a decrease in summonses issued for debt relating to 'other' services (3,5 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 2002, after seasonal adjustment, increased by 7,7% compared with the second quarter of 2002. However, the total number of civil judgements recorded for debt for the third quarter of 2002 decreased by 0,8% compared with the third quarter of 2001. Furthermore, the total number of civil judgements recorded for debt for the first nine months of 2002 decreased by 6,3% compared with the first nine months of 2001.

The major contributors to the decrease of 0,8% in the number of civil judgements recorded for debt for the third quarter of 2002 compared with the third quarter of 2001 were civil judgements recorded in respect of 'other' debts (-3,2 percentage points), professional services (-1,7 percentage points), 'other' services (-1,5 percentage points) and rent (-1,0 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 2002, after seasonal adjustment, increased by 1,6% compared with the second quarter of 2002. However, the total value of civil judgements recorded for debt for the third quarter of 2002 decreased by 23,0% compared with the third quarter of 2001. Furthermore, the total value of civil judgements recorded for debt for the first nine months of 2002 decreased by 16,4% compared with the first nine months of 2001.

The major contributors to the decrease of 23,0% in the value of civil judgements recorded for debt for the third quarter of 2002 compared with the third quarter of 2001 were civil judgements recorded in respect of 'other' debts (-10,1 percentage points), goods sold on account (-5,9 percentage points), money lent (-4,8 percentage points), and promissory notes (-3,2 percentage points). However, this decrease was partially counteracted by an increase in judgements recorded for debt relating to instalment sale transactions (1,0 percentage point).

During September 2002, 86 469 civil judgements for debt amounted to R554,0 million. The largest contributors to the R554,0 million were civil judgements relating to money lent (38,4% or R212,7 million) and 'other' debts (21,3% or R118,1 million).

Notes

Forthcoming issues

Issue

Expected release date

October 2002	19 December 2002
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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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
		Sept.	Aug.	Sept.		Sept.	Aug.	Sept.
1. Cases recorded								
1.1 Actual figures	1 813 654	124 994	142 461	137 390	1 655 837	113 770	129 146	124 969
1.2 Seasonally adjusted		132 728	143 291	146 612		120 857	129 392	133 350
2. Civil summonses for debt								
2.1 Goods sold								
2.1.1 Open account	248 080	17 127	18 737	17 883	221 283	14 873	16 743	15 183
2.1.2 Instalment sale transactions	45 565	3 031	4 167	4 216	41 154	2 726	3 706	3 805
2.2 Services								
2.2.1 Professional	167 898	13 497	13 323	12 440	160 340	12 987	12 551	11 769
2.2.2 Other	322 400	23 712	21 361	20 771	301 137	21 802	20 063	19 557
2.3 Rent	82 665	5 385	7 740	6 806	66 000	4 097	6 398	5 750
2.4 Money lent	351 681	26 339	35 355	32 695	335 566	24 899	33 870	31 373
2.5 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	111 152	8 566	9 316	10 466	95 936	7 509	8 063	9 424
2.6 Other	234 135	16 637	18 893	19 159	209 683	15 031	16 568	16 347
2.7 Total								
2.7.1 Actual figures	1 563 578	114 294	128 892	124 436	1 431 098	103 924	117 961	113 206
2.7.2 Seasonally adjusted		120 475	126 720	131 837		109 724	115 564	120 131

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	15 981	6 999	3 184	990	2 724	10 283	13 822	5 658	3 480	11 698	1 984	4 417

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
		Sept.	Aug.	Sept.		Sept.	Aug.	Sept.
1. Judgements								
1.1 Goods sold								
1.1.1 Open account	133 233	10 932	11 019	11 211	122 089	10 174	10 279	10 279
1.1.2 Instalment sale transactions	19 342	1 456	1 659	1 488	17 157	1 244	1 435	1 359
1.2 Services								
1.2.1 Professional	102 587	8 431	7 215	6 751	98 859	8 086	6 851	6 515
1.2.2 Other	159 631	15 823	15 223	11 852	151 104	15 315	14 639	11 200
1.3 Rent	46 551	3 815	3 397	3 751	38 495	3 370	2 676	2 964
1.4 Money lent	310 569	25 245	31 771	32 072	303 382	24 615	31 120	31 554
1.5 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	85 482	5 431	7 173	9 854	79 025	4 994	6 904	9 399
1.6 Other	152 749	11 571	8 990	9 490	142 434	10 942	8 432	8 939
1.7 Total								
1.7.1 Actual figures	1 010 144	82 704	86 447	86 467	952 545	78 740	82 335	82 209
1.7.2 Seasonally adjusted		81 942	82 153	86 498		78 135	78 199	82 361

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
		Sept.	Aug.	Sept.		Sept.	Aug.	Sept.
	R1 000							
1. Judgements								
1.1 Goods sold								
1.1.1 Open account	1 025 789	57 413	59 362	50 297	848 081	45 480	49 319	38 730
1.1.2 Instalment sale transactions	353 756	21 917	62 342	32 467	286 119	18 152	58 732	21 762
1.2 Services								
1.2.1 Professional	218 869	13 635	24 612	14 482	200 675	12 351	22 733	12 450
1.2.2 Other	770 697	47 633	66 365	53 764	693 405	43 188	62 747	48 974
1.3 Rent	346 812	24 023	23 083	27 911	247 981	17 796	13 724	17 575
1.4 Money lent	2 954 066	259 003	241 758	212 704	2 742 300	238 354	227 534	196 050
1.5 Promissory notes, bills, R/D cheques, credit cards and other acknowledgements of debt	761 520	67 902	35 864	44 222	625 223	59 266	27 473	37 057
1.6 Other	2 729 738	228 544	100 511	118 111	2 080 050	191 349	80 357	97 170
1.7 Total								
1.7.1 Actual figures	9 161 247	720 070	613 897	553 958	7 723 837	625 936	542 620	469 768
1.7.2 Seasonally adjusted		766 363	572 523	596 930		660 412	500 154	502 516

Table 19 - 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

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.
- Seasonal adjustment**
- 12 Seasonal (variation) is a means of removing the estimated effects of normal

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 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.

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