

104. Offences against corresponding provisions of repealed Act to be taken into account as previous offences

- (1) Subject to subsection (2), where —
- (a) a person is convicted of an offence (in this subsection referred to as **“the present offence”**) against a provision of this Act; and
 - (b) the penalty or penalties which may or shall be imposed for the present offence vary according to whether the person has been convicted previously of such an offence,

any offence committed by the person against the repealed Act, the elements of which offence were substantially the same as those of the present offence shall be taken into account and deemed to have been an offence against that provision of this Act for the purposes of determining the penalty or penalties to be imposed for the present offence.

- (2) The provisions of subsection (1) —
- (a) shall not operate to limit the offences which might otherwise be regarded as previous offences against a provision of this Act; and
 - (b) do not apply to or in relation to an offence against section 60, 61, 63, 64, 67 or 67A.

[Section 104 amended by No. 82 of 1982 s.25.]