



Local Government Act 1972

1972 CHAPTER 70

PART VII

MISCELLANEOUS POWERS OF LOCAL AUTHORITIES

Miscellaneous

138 Powers of principal councils with respect to emergencies or disasters.

- (1) Where an emergency or disaster involving destruction of or danger to life or property occurs or is imminent or there is reasonable ground for apprehending such an emergency or disaster, and a principal council are of opinion that it is likely to affect the whole or part of their area or all or some of its inhabitants, the council may—
- (a) incur such expenditure as they consider necessary in taking action themselves (either alone or jointly with any other person or body and either in their area or elsewhere in or outside the United Kingdom) which is calculated to avert, alleviate or eradicate in their area or among its inhabitants the effects or potential effects of the event; and
 - (b) make grants or loans to other persons or bodies on conditions determined by the council in respect of any such action taken by those persons or bodies.

^{F1}(1A)

^{F2}(2)

- (3) [^{F3}Nothing in this section authorises] a local authority to execute—
- (a) any drainage or other works in any part of a main river, [^{F4}within the meaning of Part IV 'of the Water Resources Act 1991], or of any other watercourse which is treated for the purposes of any of the provisions of that Act as part of a main river, or
 - (b) any works which local authorities have power to execute under [^{F4}sections 14 to 17, 62(2) and (3) and 66 of the Land Drainage Act 1991],

but subject to those limitations, [^{F5}the powers conferred by subsections [^{F6}subsection (1) above] are] in addition to, and not in derogation of, any power

Changes to legislation: Local Government Act 1972, Section 138 is up to date with all changes known to be in force on or before 17 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

conferred on a local authority by or under any other enactment, including any enactment contained in this Act.

- (4) In this section “principal council” includes the Common Council and, until 1st April 1974, the council of an existing county, county borough or county district.
- [^{F7}(5) With the consent of the Secretary of State, a metropolitan county fire and civil defence authority and [^{F8}the London Fire Commissioner] may incur expenditure in co-ordinating planning by principal councils in connection with their functions under subsection (1) above.
- (6) In this section “contingency planning” means the making, keeping under review and revising of plans and the carrying out of training associated with the plans.]

Textual Amendments

- F1** S. 138(1A) repealed (14.11.2005) by [Civil Contingencies Act 2004 \(c. 36\)](#), ss. 32, 34, [Sch. 2 Pt. 1 para. 7\(a\)](#), [Sch. 3](#); S.I. 2005/2040, [art. 3\(q\)\(r\)](#)
- F2** S. 138(2) repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\)](#), s. 194, [Sch. 34 Pt. 1](#)
- F3** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), [ss. 156\(2\)\(a\)](#)
- F4** Words in s. 138 (3)(a)(b) substituted (1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 130\)](#), ss. 2(1), 4(2), [Sch. 1 para. 22\(2\)](#).
- F5** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), [ss. 156\(2\)\(b\)](#)
- F6** Words in s. 138(3) substituted (14.11.2005) by [Civil Contingencies Act 2004 \(c. 36\)](#), ss. 32, 34, [Sch. 2 Pt. 1 para. 7\(b\)](#); S.I. 2005/2040, [art. 3\(q\)](#)
- F7** S. 138(5)(6) inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), [s. 156\(3\)](#)
- F8** Words in s. 138(5) substituted (31.1.2017 for specified purposes, 1.4.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 2 para. 40](#); S.I. 2018/227, [reg. 4\(c\)](#)

Modifications etc. (not altering text)

- C1** S. 138 excluded by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\)](#), s. 1(1), [Sch. 1](#)
- C2** S. 138(5) applied (with modifications) (8.5.2017) by [The Greater Manchester Combined Authority \(Fire and Rescue Functions\) Order 2017 \(S.I. 2017/469\)](#), art. 1(3), [Sch. para. 1](#)
- C3** S. 138(5) applied (with modifications) (20.12.2023) by [The York and North Yorkshire Combined Authority Order 2023 \(S.I. 2023/1432\)](#), arts. 1(2), 46(2), [Sch. 7 para. 1](#)

Changes to legislation:

Local Government Act 1972, Section 138 is up to date with all changes known to be in force on or before 17 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 80(3B) omitted by [2021 asc 1 Sch. 2 para. 1\(3\)\(c\)](#)
- s. 101(6ZA) inserted by [2023 c. 55 Sch. 12 para. 2](#)
- s. 123(2C) inserted by [2023 c. 55 s. 75](#)
- s. 131(2)(n) and word inserted by [2023 asc 3 Sch. 13 para. 16](#)