

**protecting against, controlling and providing a public health response to the incidence and spread of the coronavirus, based on the medical evidence** of their effect. If it is considered that the restrictions and requirements, whether taken as a whole or considered separately, continue to be necessary and proportionate, they should remain in place. **If any or all of the requirements are not considered necessary, then they should be terminated by means of direction.** If any are no longer considered proportionate, they should either be terminated or amended to ensure that they are. It follows that the advice of the CMO and SAGE which lead Ministers to making the Regulation is relevant to the three week reviews, ongoing review (*see paragraph 8 below*) of the necessity for the restrictions and the formulation of any exit strategy (whether that be by a single direction or desired phased approach).

6. In the first Review, and on the basis that the Regulations continue in place, future reviews, on a three weekly cycle, will need to consider the same issues, which may lead to partial relaxation of specific restrictions or requirements. This will all need to be on the basis of CMO etc. advice as mentioned above.
7. Under regulation 3(4) a direction terminating a restriction or requirement may be exercised in relation to a specified business or service or a specified description of business or service, which could, subject to appropriate health advice, be exercised in relation to specified sectors.
8. It is also important to note the requirement of regulation 3(3) referred to above, which requires the Welsh Ministers to issue a direction terminating a restriction or requirement as soon as they consider that a particular restriction or requirement is no longer necessary. **This is not connected with the three weekly review process, but is rather is a wider, ongoing duty to keep the provisions of the Regulations under review,** requiring immediate action to relax restrictions or requirements if they are no longer considered to be necessary.

#### **Other considerations**

9. **Ministers' reasons for ending the Regulations in whole or in part will need to be firmly rooted in public health considerations** as required by the legislation as explained above. Whilst Ministers will doubtless have other considerations to take into account the primary consideration, for the purposes of the Regulations and exit needs to be "public health" linked to containing the spread and incidence of Coronavirus (as explored above) which of course was what drove the making and shaping of the Regulations. The other considerations that Ministers are likely to want to have regard to such as the economy and economic recovery, hardship etc. should not be the primary focus and Ministers need to take care to not stray from the public health considerations in coming to their final view or in making comments publicly on an appropriate exit strategy and stray into possible irrationality territory by giving those others factors greater consideration than the public health matters.