

The steps describe what must be considered before a decision is taken by Ministers. They set out an assessment process that needs to be completed to consider the impact of **restrictions both generally and individually (and in whole or in part)**, as well as any **differential impact** of restrictions on particular **sectors, demographics or geographical areas**<sup>2</sup>. Decisions on easing any individual restriction, therefore, cannot be taken in isolation.

#### *Decision making process*

**Step 1** involves an assessment of the extent to which restrictions are **necessary to contain coronavirus**. It is an assessment, therefore, of—

- whether there is an ongoing **threat to public health** from coronavirus, and
- whether the restrictions continue to have a **public health purpose** (i.e. preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection or contamination.)

Due to the nature of the legal power, and the gravity of the public health emergency, **Step 1** is the most fundamental assessment that needs to be made, and the subsequent assessments at steps 2, 3, and 4 are set against that context and should be done by reference to step 1.

**Steps 2 and 3** involve an assessment of whether restrictions are **proportionate on public health grounds**. The extent to which they are proportionate involves an assessment of—

- the extent to which the negative effect on containing coronavirus of lifting a restriction can be **mitigated** by alternative actions;
- the extent to which the positive effect on containing coronavirus may be **outweighed** by other, negative, effects on public health more generally.

**Steps 1, 2 and 3** form the basis for the Ministerial decision that needs to be taken.

However, Ministers also need to take account of **Step 4** which is an assessment of (1) the extent to which a restriction may be disproportionate due to its wider impact on social, economic and environmental wellbeing and (2) the public sector equality duty.

If the answer to the assessment undertaken under these steps that restrictions (or a restriction) are not necessary or have a disproportionate impact, they **must be lifted**.

If however, they are necessary and proportionate, they should **continue in place**.

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<sup>2</sup> Regulation 4 provides as follows:

“The Welsh Ministers may, if they consider it appropriate to do so having regard to the need to prevent, protect against, control or provide a public health response to the incidence or spread of infection in Wales with the coronavirus, publish a direction terminating a requirement or restriction in relation to—

(a) a specified business or service or a specified description of business or service;  
(b) a specified description of persons;  
(c) a specified part of Wales.”