

The Rt Hon. Mark Drakeford MS
First Minister of Wales

2 March 2022

Dear Mark

The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 23) Regulations 2021

Thank you for your [response, dated 8 February 2022](#), to our [letter of 21 January](#) in relation to our [report on the above Regulations](#). We considered your response at our meeting of 14 February.

You note in your response that the fast-moving nature of the pandemic can lead to delays in the publication of Summary Impact Assessments (SIAs), which we fully understand.

We note that your officials are currently reviewing the SIA process for changes made to The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020 (the principal Regulations), and that the review has already identified three SIAs which are approaching publication. We also note that those anticipated SIAs relate to reviews of coronavirus restrictions undertaken on 3 June 2021, 15 July 2021, and August 2021 – which, by the time they are published, appears to us to amount to a considerable and unreasonable delay in publication. We would therefore welcome an explanation as to how you aim to avoid such delays to the publication of SIAs in future in relation to the reviews of coronavirus restrictions.

At our meeting of 28 February we considered [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 5\) Regulations 2022](#) and its accompanying Explanatory Memorandum (EM). We found the following passage in the EM to provide an acceptable assessment of the impact of the Regulations, and as such we did not raise a merits reporting point in relation to the publication of an accompanying impact assessment report:

Given that these amended Regulations are easing existing measures, the previous summary impact assessments, which include equality impact assessments, published on 16 September 2021, 2 November 2021 and 18 January 2022, have been reviewed and remain valid. Any removal of legal restrictions are likely to lessen the identified negative impacts.

We welcome this new approach, and would therefore expect future EMs accompanying regulations which amend the principal Regulations to include an explanation of which previous impact assessments, if any, remain valid. We would also welcome a brief summary of the main equality issues that arise; we note that such an approach we note was taken in the EM for The Education (School Day and School Year) (Wales) (Amendment and Revocation) Regulations 2022, and we found it particularly helpful.

Should any future amendments to the principal Regulations not be accompanied by such an assessment, we will continue to raise, the requirement of regulation 8(1)(d) of the Equality Act (Statutory Duties) (Wales) Regulations 2011, as a merits reporting point; that is, for the Welsh Ministers to make arrangements to publish reports of equality impact assessments.

Yours sincerely,

Huw Irranca-Davies

Huw Irranca-Davies

Chair