



PRESS STATEMENT

UNLAWFUL ACTIONS AFFECTING WATER SERVICE PROVIDERS IN MACHAKOS COUNTY

Tuesday, 27th January 2026, Nairobi: The Water Services Regulatory Board (WASREB) wishes to address recent developments concerning the governance and management of Water Service Providers (WSPs) in Machakos County, following reports that the Managing Directors of six utilities, Mavoko, Machakos, Kathiani, Kangundo, Yatta, and Mwala Water and Sanitation Companies have been placed on compulsory leave.

The governance and operation of WSPs in Kenya are firmly anchored in the **Constitution of Kenya, 2010**, **the Water Act, 2016**, and associated regulations. These frameworks emphasize adherence to constitutional values, including the rule of law, transparency, accountability, and public participation. Under the law, WSPs operate through competitively recruited Boards of Directors, which are responsible for strategic oversight, performance management, and the recruitment and discipline of senior management. Any administrative or disciplinary action affecting Managing Directors must therefore follow due process and be undertaken through duly constituted boards.

As the national regulator, WASREB is mandated to set and enforce service standards, protect consumer interests, and approve any structural changes to Water Service Providers, including clustering or mergers, to ensure service continuity and commercial viability.

WASREB notes with concern that the actions taken by the County Government of Machakos contravene the law in several respects:

- The absence of duly constituted boards for the affected WSPs, despite prior guidance from WASREB;
- The placement of Managing Directors on compulsory leave without board-led due process, contrary to principles of fair administrative action;
- Attempts to effect clustering of WSPs without the requisite viability studies, stakeholder engagement, and regulatory approval; and
- Failure to obtain mandatory approval from WASREB for any proposed restructuring.

These actions pose significant risks to the water sector, including potential disruption of service delivery to residents, exposure of the County Government to legal challenges, and the undermining of investor and development partner confidence in the affected utilities. As a result of the non-compliance, the WSPs- Machakos and Mavoko, which were initially slated to receive World Bank financing of Sh74 million and Sh32.4 million respectively, were disqualified from the project fund due to failure to meet the requirements of the Corporate Governance Standards for the water services sector.

While devolution remains a core constitutional principle, it must be exercised within the confines of the law. The actions in question are inconsistent with the spirit and letter of the Constitution, including Articles 10, 189, and 259.

WASREB therefore urges the County Government of Machakos to:

- Immediately reinstate lawful governance structures by constituting legitimate Boards of Directors for the affected WSPs;
- Cease any management or structural changes that are not compliant with the Water Act, 2016; and
- Engage WASREB and other stakeholders to ensure all actions align with the legal and regulatory framework governing water services.

WASREB remains committed to safeguarding consumer interests and upholding good governance to ensure the provision of safe, reliable, and sustainable water services across Kenya.

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