

Investment Company Act of 1940

Section 54 -- Election to Be Regulated as Business Development Company

- a. Eligibility. Any company defined in section 2(a)(48)(A) and (B) [15 USCS § 80a-2(a)(48)(A) and (B)] may elect to be subject to the provisions of sections 55 through 65 [15 USCS § § 80a-54-80a-64] by filing with the Commission a notification of election, if such company--
 1. has a class of its equity securities registered under section 12 of the Securities Exchange Act of 1934 [15 USCS § 78I]; or
 2. has filed a registration statement pursuant to section 12 of the Securities Exchange Act of 1934 [15 USCS § 78I] for a class of its equity securities.
- b. Form and manner of notification; effect. The Commission may, by rule, prescribe the form and manner in which notification of election under this section shall be given. A business development company shall be deemed to be subject to sections 55 through 65 [15 USCS § § 80a-54-80a-64] upon receipt by the Commission of such notification of election.
- c. Revocation or withdrawal of election. Whenever the Commission finds, on its own motion or upon application, that a business development company which has filed a notification of election pursuant to subsection (a) of this section has ceased to engage in business, the Commission shall so declare by order revoking such company's election. Any business development company may voluntarily withdraw its election under subsection (a) by filing a notice of withdrawal of election with the Commission, in a form and manner which the Commission may, by rule, prescribe. Such withdrawal shall be effective immediately upon receipt by the Commission.